

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILLS NOS. 239,  
24 & 445**

94TH GENERAL ASSEMBLY

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Reported from the Committee on Transportation, February 22, 2007, with recommendation that the Senate Committee Substitute do pass.

1295S.10C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 301.010, 301.130, 301.144, 301.218, 301.221, 301.225, 301.229, 301.550, 301.560, 302.272, 302.275, 302.321, 302.545, 302.700, 302.755, 302.775, 304.070, 304.170, 306.015, 306.016, 306.535, 307.179, and 311.326, RSMo, and to enact in lieu thereof twenty-five new sections relating to the regulation of motor vehicles, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 301.010, 301.130, 301.144, 301.218, 301.221, 301.225, 2 301.229, 301.550, 301.560, 302.272, 302.275, 302.321, 302.545, 302.700, 302.755, 3 302.775, 304.070, 304.170, 306.015, 306.016, 306.535, 307.179, and 311.326, 4 RSMo, are repealed and twenty-five new sections enacted in lieu thereof, to be 5 known as sections 301.007, 301.010, 301.029, 301.130, 301.144, 301.218, 301.221, 6 301.225, 301.229, 301.550, 301.560, 302.272, 302.275, 302.321, 302.545, 302.700, 7 302.755, 302.775, 304.070, 304.170, 306.015, 306.016, 306.535, 307.179, and 8 311.326, to read as follows:

**301.007. 1. Any declaration, statement, or other document**  
2 **required to be made or filed pursuant to this chapter or chapter 306,**  
3 **RSMo, shall be signed in accordance with regulations or instructions**  
4 **prescribed by the director of revenue and the director of revenue shall**  
5 **have the power to administer oaths to individuals filing such**  
6 **declaration, statement, or other document. The fact that an**  
7 **individual's name is signed to a declaration, statement, or other**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

8 **document shall be prima facie evidence that the individuals signed the**  
9 **declaration, statement, or other document.**

10 **2. The making or filing of any declaration, statement, or other**  
11 **document required to be made pursuant to this chapter or chapter 306,**  
12 **RSMo, shall constitute a certification by the person making or filing**  
13 **such declaration, statement, or other document, or copy thereof, that**  
14 **the statements contained therein are true and that any copy filed is a**  
15 **true copy.**

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120  
2 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms  
3 mean:

4 (1) "All-terrain vehicle", any motorized vehicle manufactured and used  
5 exclusively for off-highway use which is fifty inches or less in width, with an  
6 unladen dry weight of one thousand pounds or less, traveling on three, four or  
7 more low pressure tires, with a seat designed to be straddled by the operator, or  
8 with a seat designed to carry more than one person, and handlebars for steering  
9 control;

10 (2) "Automobile transporter", any vehicle combination designed and used  
11 specifically for the transport of assembled motor vehicles;

12 (3) "Axle load", the total load transmitted to the road by all wheels whose  
13 centers are included between two parallel transverse vertical planes forty inches  
14 apart, extending across the full width of the vehicle;

15 (4) "Boat transporter", any vehicle combination designed and used  
16 specifically to transport assembled boats and boat hulls;

17 (5) "Body shop", a business that repairs physical damage on motor  
18 vehicles that are not owned by the shop or its officers or employees by mending,  
19 straightening, replacing body parts, or painting;

20 (6) "Bus", a motor vehicle primarily for the transportation of a driver and  
21 eight or more passengers but not including shuttle buses;

22 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used  
23 for carrying freight and merchandise, or more than eight passengers but not  
24 including vanpools or shuttle buses;

25 (8) "Cotton trailer", a trailer designed and used exclusively for  
26 transporting cotton at speeds less than forty miles per hour from field to field or  
27 from field to market and return;

28 (9) "Dealer", any person, firm, corporation, association, agent or subagent

29 engaged in the sale or exchange of new, used or reconstructed motor vehicles or  
30 trailers;

31 (10) "Director" or "director of revenue", the director of the department of  
32 revenue;

33 (11) "Driveaway operation":

34 (a) The movement of a motor vehicle or trailer by any person or motor  
35 carrier other than a dealer over any public highway, under its own power singly,  
36 or in a fixed combination of two or more vehicles, for the purpose of delivery for  
37 sale or for delivery either before or after sale;

38 (b) The movement of any vehicle or vehicles, not owned by the transporter,  
39 constituting the commodity being transported, by a person engaged in the  
40 business of furnishing drivers and operators for the purpose of transporting  
41 vehicles in transit from one place to another by the driveaway or towaway  
42 methods; or

43 (c) The movement of a motor vehicle by any person who is lawfully  
44 engaged in the business of transporting or delivering vehicles that are not the  
45 person's own and vehicles of a type otherwise required to be registered, by the  
46 driveaway or towaway methods, from a point of manufacture, assembly or  
47 distribution or from the owner of the vehicles to a dealer or sales agent of a  
48 manufacturer or to any consignee designated by the shipper or consignor;

49 (12) "Dromedary", a box, deck, or plate mounted behind the cab and  
50 forward of the fifth wheel on the frame of the power unit of a truck  
51 tractor-semitrailer combination. A truck tractor equipped with a dromedary may  
52 carry part of a load when operating independently or in a combination with a  
53 semitrailer;

54 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

55 (14) "Fleet", any group of ten or more motor vehicles owned by the same  
56 owner;

57 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

58 (16) "Fullmount", a vehicle mounted completely on the frame of either the  
59 first or last vehicle in a saddlemount combination;

60 (17) "Gross weight", the weight of vehicle and/or vehicle combination  
61 without load, plus the weight of any load thereon;

62 (18) "Hail-damaged vehicle", any vehicle, the body of which has become  
63 dented as the result of the impact of hail;

64 (19) "Highway", any public thoroughfare for vehicles, including state

65 roads, county roads and public streets, avenues, boulevards, parkways or alleys  
66 in any municipality;

67 (20) "Improved highway", a highway which has been paved with gravel,  
68 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall  
69 have a hard, smooth surface;

70 (21) "Intersecting highway", any highway which joins another, whether  
71 or not it crosses the same;

72 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon  
73 the highways and has no resale value except as a source of parts or scrap, and  
74 shall not be titled or registered;

75 (23) "Kit vehicle", a motor vehicle assembled by a person other than a  
76 generally recognized manufacturer of motor vehicles by the use of a glider kit or  
77 replica purchased from an authorized manufacturer and accompanied by a  
78 manufacturer's statement of origin;

79 (24) "Land improvement contractors' commercial motor vehicle", any  
80 not-for-hire commercial motor vehicle the operation of which is confined to:

81 (a) An area that extends not more than a radius of one hundred miles  
82 from its home base of operations when transporting its owner's machinery,  
83 equipment, or auxiliary supplies to or from projects involving soil and water  
84 conservation, or to and from equipment dealers' maintenance facilities for  
85 maintenance purposes; or

86 (b) An area that extends not more than a radius of fifty miles from its  
87 home base of operations when transporting its owner's machinery, equipment, or  
88 auxiliary supplies to or from projects not involving soil and water conservation.  
89 Nothing in this subdivision shall be construed to prevent any motor vehicle from  
90 being registered as a commercial motor vehicle or local commercial motor vehicle;

91 (25) "Local commercial motor vehicle", a commercial motor vehicle whose  
92 operations are confined solely to a municipality and that area extending not more  
93 than fifty miles therefrom, or a commercial motor vehicle whose property-carrying  
94 operations are confined solely to the transportation of property owned by any  
95 person who is the owner or operator of such vehicle to or from a farm owned by  
96 such person or under the person's control by virtue of a landlord and tenant lease;  
97 provided that any such property transported to any such farm is for use in the  
98 operation of such farm;

99 (26) "Local log truck", a commercial motor vehicle which is registered  
100 pursuant to this chapter to operate as a motor vehicle on the public highways of

101 this state, used exclusively in this state, used to transport harvested forest  
102 products, operated solely at a forested site and in an area extending not more  
103 than a [fifty-mile] **one hundred-mile** radius from such site, carries a load with  
104 dimensions not in excess of twenty-five cubic yards per two axles with dual  
105 wheels, and when operated on the national system of interstate and defense  
106 highways described in Title 23, Section 103(e) of the United States Code, such  
107 vehicle shall not exceed the weight limits of section 304.180, RSMo, does not have  
108 more than four axles, and does not pull a trailer which has more than two  
109 axles. Harvesting equipment which is used specifically for cutting, felling,  
110 trimming, delimiting, debarking, chipping, skidding, loading, unloading, and  
111 stacking may be transported on a local log truck. A local log truck may not  
112 exceed the limits required by law, however, if the truck does exceed such limits  
113 as determined by the inspecting officer, then notwithstanding any other  
114 provisions of law to the contrary, such truck shall be subject to the weight limits  
115 required by such sections as licensed for eighty thousand pounds;

116 (27) "Local log truck tractor", a commercial motor vehicle which is  
117 registered under this chapter to operate as a motor vehicle on the public  
118 highways of this state, used exclusively in this state, used to transport harvested  
119 forest products, operated solely at a forested site and in an area extending not  
120 more than a [fifty-mile] **one hundred-mile** radius from such site, operates with  
121 a weight not exceeding twenty-two thousand four hundred pounds on one axle or  
122 with a weight not exceeding forty-four thousand eight hundred pounds on any  
123 tandem axle, and when operated on the national system of interstate and defense  
124 highways described in Title 23, Section 103(e) of the United States Code, such  
125 vehicle does not exceed the weight limits contained in section 304.180, RSMo, and  
126 does not have more than three axles and does not pull a trailer which has more  
127 than two axles. Violations of axle weight limitations shall be subject to the load  
128 limit penalty as described for in sections 304.180 to 304.220, RSMo;

129 (28) "Local transit bus", a bus whose operations are confined wholly  
130 within a municipal corporation, or wholly within a municipal corporation and a  
131 commercial zone, as defined in section 390.020, RSMo, adjacent thereto, forming  
132 a part of a public transportation system within such municipal corporation and  
133 such municipal corporation and adjacent commercial zone;

134 (29) "Log truck", a vehicle which is not a local log truck or local log truck  
135 tractor and is used exclusively to transport harvested forest products to and from  
136 forested sites which is registered pursuant to this chapter to operate as a motor

137 vehicle on the public highways of this state for the transportation of harvested  
138 forest products;

139 (30) "Major component parts", the rear clip, cowl, frame, body, cab,  
140 front-end assembly, and front clip, as those terms are defined by the director of  
141 revenue pursuant to rules and regulations or by illustrations;

142 (31) "Manufacturer", any person, firm, corporation or association engaged  
143 in the business of manufacturing or assembling motor vehicles, trailers or vessels  
144 for sale;

145 (32) "Mobile scrap processor", a business located in Missouri or any other  
146 state that comes onto a salvage site and crushes motor vehicles and parts for  
147 transportation to a shredder or scrap metal operator for recycling;

148 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957,  
149 which receives a new, rebuilt or used engine, and which used the number  
150 stamped on the original engine as the vehicle identification number;

151 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively  
152 upon tracks, except farm tractors;

153 (35) "Motor vehicle primarily for business use", any vehicle other than a  
154 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor  
155 vehicle licensed for over twelve thousand pounds:

156 (a) Offered for hire or lease; or

157 (b) The owner of which also owns ten or more such motor vehicles;

158 (36) "Motorcycle", a motor vehicle operated on two wheels;

159 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having  
160 an automatic transmission and a motor with a cylinder capacity of not more than  
161 fifty cubic centimeters, which produces less than three gross brake horsepower,  
162 and is capable of propelling the device at a maximum speed of not more than  
163 thirty miles per hour on level ground;

164 (38) "Motortricycle", a motor vehicle operated on three wheels, including  
165 a motorcycle while operated with any conveyance, temporary or otherwise,  
166 requiring the use of a third wheel. A motortricycle shall not be included in the  
167 definition of all-terrain vehicle;

168 (39) "Municipality", any city, town or village, whether incorporated or not;

169 (40) "Nonresident", a resident of a state or country other than the state  
170 of Missouri;

171 (41) "Non-USA-std motor vehicle", a motor vehicle not originally  
172 manufactured in compliance with United States emissions or safety standards;

- 173 (42) "Operator", any person who operates or drives a motor vehicle;
- 174 (43) "Owner", any person, firm, corporation or association, who holds the  
175 legal title to a vehicle or in the event a vehicle is the subject of an agreement for  
176 the conditional sale or lease thereof with the right of purchase upon performance  
177 of the conditions stated in the agreement and with an immediate right of  
178 possession vested in the conditional vendee or lessee, or in the event a mortgagor  
179 of a vehicle is entitled to possession, then such conditional vendee or lessee or  
180 mortgagor shall be deemed the owner for the purpose of this law;
- 181 (44) "Public garage", a place of business where motor vehicles are housed,  
182 stored, repaired, reconstructed or repainted for persons other than the owners or  
183 operators of such place of business;
- 184 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned  
185 by the rebuilder, but does not include certificated common or contract carriers of  
186 persons or property;
- 187 (46) "Reconstructed motor vehicle", a vehicle that is altered from its  
188 original construction by the addition or substitution of two or more new or used  
189 major component parts, excluding motor vehicles made from all new parts, and  
190 new multistage manufactured vehicles;
- 191 (47) "Recreational motor vehicle", any motor vehicle designed, constructed  
192 or substantially modified so that it may be used and is used for the purposes of  
193 temporary housing quarters, including therein sleeping and eating facilities  
194 which are either permanently attached to the motor vehicle or attached to a unit  
195 which is securely attached to the motor vehicle. Nothing herein shall prevent any  
196 motor vehicle from being registered as a commercial motor vehicle if the motor  
197 vehicle could otherwise be so registered;
- 198 (48) "Rollback or car carrier", any vehicle specifically designed to  
199 transport wrecked, disabled or otherwise inoperable vehicles, when the  
200 transportation is directly connected to a wrecker or towing service;
- 201 (49) "Saddlemount combination", a combination of vehicles in which a  
202 truck or truck tractor tows one or more trucks or truck tractors, each connected  
203 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"  
204 is a mechanism that connects the front axle of the towed vehicle to the frame or  
205 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin  
206 connection. When two vehicles are towed in this manner the combination is  
207 called a "double saddlemount combination". When three vehicles are towed in  
208 this manner, the combination is called a "triple saddlemount combination";

209 (50) "Salvage dealer and dismantler", a business that dismantles used  
210 motor vehicles for the sale of the parts thereof, and buys and sells used motor  
211 vehicle parts and accessories;

212 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

213 (a) Has been damaged to the extent that the total cost of repairs to  
214 rebuild or reconstruct the vehicle to its condition immediately before it was  
215 damaged for legal operation on the roads or highways exceeds seventy-five  
216 percent of the fair market value of the vehicle immediately preceding the time it  
217 was damaged;

218 (b) By reason of condition or circumstance, has been declared salvage,  
219 either by its owner, or by a person, firm, corporation, or other legal entity  
220 exercising the right of security interest in it;

221 (c) Has been declared salvage by an insurance company as a result of  
222 settlement of a claim for loss due to damage or theft;

223 (d) Ownership of which is evidenced by a salvage title; or

224 (e) Is abandoned property which is titled pursuant to section 304.155,  
225 RSMo, or section 304.157, RSMo, and designated with the words  
226 "salvage/abandoned property".

227 The total cost of repairs to rebuild or reconstruct the vehicle shall not include the  
228 cost of repairing, replacing, or reinstalling inflatable safety restraints, tires,  
229 sound systems, or any sales tax on parts or materials to rebuild or reconstruct the  
230 vehicle. For purposes of this definition, "fair market value" means the retail  
231 value of a motor vehicle as:

232 a. Set forth in a current edition of any nationally recognized compilation  
233 of retail values, including automated databases, or from publications commonly  
234 used by the automotive and insurance industries to establish the values of motor  
235 vehicles;

236 b. Determined pursuant to a market survey of comparable vehicles with  
237 regard to condition and equipment; and

238 c. Determined by an insurance company using any other procedure  
239 recognized by the insurance industry, including market surveys, that is applied  
240 by the company in a uniform manner;

241 (52) "School bus", any motor vehicle used solely to transport students to  
242 or from school or to transport students to or from any place for educational  
243 purposes;

244 (53) "Shuttle bus", a motor vehicle used or maintained by any person,

245 firm, or corporation as an incidental service to transport patrons or customers of  
246 the regular business of such person, firm, or corporation to and from the place of  
247 business of the person, firm, or corporation providing the service at no fee or  
248 charge. Shuttle buses shall not be registered as buses or as commercial motor  
249 vehicles;

250 (54) "Special mobile equipment", every self-propelled vehicle not designed  
251 or used primarily for the transportation of persons or property and incidentally  
252 operated or moved over the highways, including farm equipment, implements of  
253 husbandry, road construction or maintenance machinery, ditch-digging apparatus,  
254 stone crushers, air compressors, power shovels, cranes, graders, rollers,  
255 well-drillers and wood-sawing equipment used for hire, asphalt spreaders,  
256 bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,  
257 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag  
258 lines, concrete pump trucks, rock-drilling and earth-moving equipment. This  
259 enumeration shall be deemed partial and shall not operate to exclude other such  
260 vehicles which are within the general terms of this section;

261 (55) "Specially constructed motor vehicle", a motor vehicle which shall not  
262 have been originally constructed under a distinctive name, make, model or type  
263 by a manufacturer of motor vehicles. The term "specially constructed motor  
264 vehicle" includes kit vehicles;

265 (56) "Stinger-steered combination", a truck tractor-semitrailer wherein the  
266 fifth wheel is located on a drop frame located behind and below the rearmost axle  
267 of the power unit;

268 (57) "Tandem axle", a group of two or more axles, arranged one behind  
269 another, the distance between the extremes of which is more than forty inches  
270 and not more than ninety-six inches apart;

271 (58) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor  
272 vehicle designed for drawing other vehicles, but not for the carriage of any load  
273 when operating independently. When attached to a semitrailer, it supports a part  
274 of the weight thereof;

275 (59) "Trailer", any vehicle without motive power designed for carrying  
276 property or passengers on its own structure and for being drawn by a  
277 self-propelled vehicle, except those running exclusively on tracks, including a  
278 semitrailer or vehicle of the trailer type so designed and used in conjunction with  
279 a self-propelled vehicle that a considerable part of its own weight rests upon and  
280 is carried by the towing vehicle. The term "trailer" shall not include cotton

281 trailers as defined in subdivision (8) of this section and shall not include  
282 manufactured homes as defined in section 700.010, RSMo;

283 (60) "Truck", a motor vehicle designed, used, or maintained for the  
284 transportation of property;

285 (61) "Truck-tractor semitrailer-semitrailer", a combination vehicle in  
286 which the two trailing units are connected with a B-train assembly which is a  
287 rigid frame extension attached to the rear frame of a first semitrailer which  
288 allows for a fifth-wheel connection point for the second semitrailer and has one  
289 less articulation point than the conventional "A dolly" connected truck-tractor  
290 semitrailer-trailer combination;

291 (62) "Truck-trailer boat transporter combination", a boat transporter  
292 combination consisting of a straight truck towing a trailer using typically a ball  
293 and socket connection with the trailer axle located substantially at the trailer  
294 center of gravity rather than the rear of the trailer but so as to maintain a  
295 downward force on the trailer tongue;

296 (63) "Used parts dealer", a business that buys and sells used motor vehicle  
297 parts or accessories, but not including a business that sells only new,  
298 remanufactured or rebuilt parts. "Business" does not include isolated sales at a  
299 swap meet of less than three days;

300 (64) "Vanpool", any van or other motor vehicle used or maintained by any  
301 person, group, firm, corporation, association, city, county or state agency, or any  
302 member thereof, for the transportation of not less than eight nor more than  
303 forty-eight employees, per motor vehicle, to and from their place of employment;  
304 however, a vanpool shall not be included in the definition of the term "bus" or  
305 "commercial motor vehicle" as defined by subdivisions (6) and (7) of this section,  
306 nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by  
307 section 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing  
308 arrangements, recreational, personal, or maintenance uses constitute an  
309 unlicensed use of the motor vehicle, unless used for monetary profit other than  
310 for use in a ride-sharing arrangement;

311 (65) "Vehicle", any mechanical device on wheels, designed primarily for  
312 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn  
313 by horses or human power, or vehicles used exclusively on fixed rails or tracks,  
314 or cotton trailers or motorized wheelchairs operated by handicapped persons;

315 (66) "Wrecker" or "tow truck", any emergency commercial vehicle  
316 equipped, designed and used to assist or render aid and transport or tow disabled

317 or wrecked vehicles from a highway, road, street or highway rights-of-way to a  
318 point of storage or repair, including towing a replacement vehicle to replace a  
319 disabled or wrecked vehicle;

320 (67) "Wrecker or towing service", the act of transporting, towing or  
321 recovering with a wrecker, tow truck, rollback or car carrier any vehicle not  
322 owned by the operator of the wrecker, tow truck, rollback or car carrier for which  
323 the operator directly or indirectly receives compensation or other personal gain.

**301.029. 1. Any self-propelled sprayer, floater, or other form of  
2 implement of husbandry that is used for spraying chemicals or  
3 spreading fertilizer for agricultural purposes may be moved or  
4 operated on the highways of this state without complying with the  
5 provisions of this chapter relating to titling, registration and the  
6 display of license plates.**

**7 2. The exemption from titling, registration, and the display of  
8 license plates provided for in subsection 1 of this section shall apply  
9 whether the described vehicles are laden or unladen.**

**10 3. All other requirements of the law relating to motor vehicles,  
11 unless the context clearly provides otherwise, shall apply to the  
12 vehicles described in subsection one of this section when operated on  
13 the highways of this state.**

**14 4. As used in this section, the term "implements of husbandry"  
15 means all self-propelled machinery manufactured to be operated at low  
16 speeds, specifically designed for, or especially adapted to be capable of,  
17 incidental over-the-road and primary offroad usage and used  
18 exclusively for the application of commercial plant food materials or  
19 agricultural chemicals.**

**301.130. 1. The director of revenue, upon receipt of a proper application  
2 for registration, required fees and any other information which may be required  
3 by law, shall issue to the applicant a certificate of registration in such manner  
4 and form as the director of revenue may prescribe and a set of license plates, or  
5 other evidence of registration, as provided by this section. Each set of license  
6 plates shall bear the name or abbreviated name of this state, the words  
7 "SHOW-ME STATE", the month and year in which the registration shall expire,  
8 and an arrangement of numbers or letters, or both, as shall be assigned from year  
9 to year by the director of revenue. The plates shall also contain fully reflective  
10 material with a common color scheme and design for each type of license plate**

11 issued pursuant to this chapter. The plates shall be clearly visible at night, and  
12 shall be aesthetically attractive. Special plates for qualified disabled veterans  
13 will have the "DISABLED VETERAN" wording on the license plates in preference  
14 to the words "SHOW-ME STATE" and special plates for members of the national  
15 guard will have the "NATIONAL GUARD" wording in preference to the words  
16 "SHOW-ME STATE".

17           2. The arrangement of letters and numbers of license plates shall be  
18 uniform throughout each classification of registration. The director may provide  
19 for the arrangement of the numbers in groups or otherwise, and for other  
20 distinguishing marks on the plates.

21           3. All property-carrying commercial motor vehicles to be registered at a  
22 gross weight in excess of twelve thousand pounds, all passenger-carrying  
23 commercial motor vehicles, local transit buses, school buses, trailers, semitrailers,  
24 motorcycles, motortricycles, motorscooters and driveaway vehicles shall be  
25 registered with the director of revenue as provided for in subsection 3 of section  
26 301.030, or with the state highways and transportation commission as otherwise  
27 provided in this chapter, but only one license plate shall be issued for each such  
28 vehicle except as provided in this subsection. The applicant for registration of  
29 any property-carrying commercial motor vehicle may request and be issued two  
30 license plates for such vehicle, and if such plates are issued the director of  
31 revenue may assess and collect an additional charge from the applicant in an  
32 amount not to exceed the fee prescribed for personalized license plates in  
33 subsection 1 of section 301.144.

34           4. The plates issued to manufacturers and dealers shall bear the [letter  
35 "D" preceding the number] **letters and numbers as prescribed by section**  
36 **301.560**, and the director may place upon the plates other letters or marks to  
37 distinguish commercial motor vehicles and trailers and other types of motor  
38 vehicles.

39           5. No motor vehicle or trailer shall be operated on any highway of this  
40 state unless it shall have displayed thereon the license plate or set of license  
41 plates issued by the director of revenue or the state highways and transportation  
42 commission and authorized by section 301.140. Each such plate shall be securely  
43 fastened to the motor vehicle in a manner so that all parts thereof shall be  
44 plainly visible and reasonably clean so that the reflective qualities thereof are not  
45 impaired. License plates shall be fastened to all motor vehicles except trucks,  
46 tractors, truck tractors or truck-tractors licensed in excess of twelve thousand

47 pounds on the front and rear of such vehicles not less than eight nor more than  
48 forty-eight inches above the ground, with the letters and numbers thereon right  
49 side up. The license plates on trailers, motorcycles, motortricycles and  
50 motorscooters shall be displayed on the rear of such vehicles, with the letters and  
51 numbers thereon right side up. The license plate on buses, other than school  
52 buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess  
53 of twelve thousand pounds shall be displayed on the front of such vehicles not  
54 less than eight nor more than forty-eight inches above the ground, with the  
55 letters and numbers thereon right side up or if two plates are issued for the  
56 vehicle pursuant to subsection 3 of this section, displayed in the same manner on  
57 the front and rear of such vehicles. The license plate or plates authorized by  
58 section 301.140, when properly attached, shall be prima facie evidence that the  
59 required fees have been paid.

60       6. (1) The director of revenue shall issue annually or biennially a tab or  
61 set of tabs as provided by law as evidence of the annual payment of registration  
62 fees and the current registration of a vehicle in lieu of the set of  
63 plates. Beginning January 1, 2010, the director may prescribe any additional  
64 information recorded on the tab or tabs to ensure that the tab or tabs positively  
65 correlate with the license plate or plates issued by the department of revenue for  
66 such vehicle. Such tabs shall be produced in each license bureau office.

67       (2) The vehicle owner to whom a tab or set of tabs is issued shall affix and  
68 display such tab or tabs in the designated area of the license plate, no more than  
69 one per plate.

70       (3) A tab or set of tabs issued by the director of revenue when attached  
71 to a vehicle in the prescribed manner shall be prima facie evidence that the  
72 registration fee for such vehicle has been paid.

73       (4) Except as otherwise provided in this section, the director of revenue  
74 shall issue plates for a period of at least six years.

75       (5) For those commercial motor vehicles and trailers registered pursuant  
76 to section 301.041, the plate issued by the highways and transportation  
77 commission shall be a permanent nonexpiring license plate for which no tabs  
78 shall be issued. Nothing in this section shall relieve the owner of any vehicle  
79 permanently registered pursuant to this section from the obligation to pay the  
80 annual registration fee due for the vehicle. The permanent nonexpiring license  
81 plate shall be returned to the highways and transportation commission upon the  
82 sale or disposal of the vehicle by the owner to whom the permanent nonexpiring

83 license plate is issued, or the plate may be transferred to a replacement  
84 commercial motor vehicle when the owner files a supplemental application with  
85 the Missouri highways and transportation commission for the registration of such  
86 replacement commercial motor vehicle. Upon payment of the annual registration  
87 fee, the highways and transportation commission shall issue a certificate of  
88 registration or other suitable evidence of payment of the annual fee, and such  
89 evidence of payment shall be carried at all times in the vehicle for which it is  
90 issued.

91 (6) Upon the sale or disposal of any vehicle permanently registered under  
92 this section, or upon the termination of a lease of any such vehicle, the permanent  
93 nonexpiring plate issued for such vehicle shall be returned to the highways and  
94 transportation commission and shall not be valid for operation of such vehicle, or  
95 the plate may be transferred to a replacement vehicle when the owner files a  
96 supplemental application with the Missouri highways and transportation  
97 commission for the registration of such replacement vehicle. If a vehicle which  
98 is permanently registered under this section is sold, wrecked or otherwise  
99 disposed of, or the lease terminated, the registrant shall be given credit for any  
100 unused portion of the annual registration fee when the vehicle is replaced by the  
101 purchase or lease of another vehicle during the registration year.

102 7. The director of revenue and the highways and transportation  
103 commission may prescribe rules and regulations for the effective administration  
104 of this section. No rule or portion of a rule promulgated under the authority of  
105 this section shall become effective unless it has been promulgated pursuant to the  
106 provisions of section 536.024, RSMo.

107 8. Notwithstanding the provisions of any other law to the contrary, owners  
108 of motor vehicles other than apportioned motor vehicles or commercial motor  
109 vehicles licensed in excess of eighteen thousand pounds gross weight may apply  
110 for special personalized license plates. Vehicles licensed for eighteen thousand  
111 pounds that display special personalized license plates shall be subject to the  
112 provisions of subsections 1 and 2 of section 301.030.

113 9. [Commencing] **No later than** January 1, 2009, the director of revenue  
114 shall [cause to be reissued] **commence the reissuance of** new license plates  
115 of such design as directed by the director consistent with the terms, conditions,  
116 and provisions of this section and this chapter. Except as otherwise provided in  
117 this section, in addition to all other fees required by law, applicants for  
118 registration of vehicles with license plates that expire [between January 1, 2009,

119 and December 31, 2011] **during the period of reissuance**, applicants for  
120 registration of trailers or semitrailers with license plates that expire [between  
121 January 1, 2009, and December 31, 2011] **during the period of reissuance**,  
122 and applicants for registration of vehicles that are to be issued new license plates  
123 **during the period of reissuance** shall pay [an additional fee, based on the  
124 actual cost of the reissuance, to cover] the cost of [the newly reissued plates]  
125 **reissuance** required by this subsection. The additional [fee] **cost** prescribed in  
126 this subsection shall not be charged to persons receiving special license plates  
127 issued under section 301.073 or 301.443. Historic motor vehicle license plates  
128 registered pursuant to section 301.131 and specialized license plates are exempt  
129 from the provisions of this subsection.

301.144. 1. The director of revenue shall establish and issue special  
2 personalized license plates containing letters or numbers or combinations of  
3 letters and numbers. Such license plates shall be made with fully reflective  
4 material with a common color scheme and design, shall be clearly visible at night,  
5 and shall be aesthetically attractive, as prescribed by section 301.130. Any  
6 person desiring to obtain a special personalized license plate for any motor  
7 vehicle the person owns, either solely or jointly, other than an apportioned motor  
8 vehicle or a commercial motor vehicle licensed in excess of eighteen thousand  
9 pounds gross weight shall apply to the director of revenue on a form provided by  
10 the director and shall pay a fee of fifteen dollars in addition to the regular  
11 registration fees. The director of revenue shall issue rules and regulations  
12 setting the standards and establishing the procedure for application for and  
13 issuance of the special personalized license plates and shall provide a deadline  
14 each year for the applications. Any rule or portion of a rule, as that term is  
15 defined in section 536.010, RSMo, that is created under the authority delegated  
16 in this section shall become effective only if it complies with and is subject to all  
17 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,  
18 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the  
19 powers vested with the general assembly pursuant to chapter 536, RSMo, to  
20 review, to delay the effective date or to disapprove and annul a rule are  
21 subsequently held unconstitutional, then the grant of rulemaking authority and  
22 any rule proposed or adopted after August 28, 2001, shall be invalid and void. No  
23 two owners shall be issued identical plates. An owner shall make a new  
24 application and pay a new fee each year such owner desires to obtain or retain  
25 special personalized license plates; however, notwithstanding the provisions of

26 subsection 8 of section 301.130 to the contrary, the director shall allow the special  
27 personalized license plates to be replaced with new plates every three years  
28 without any additional charge, above the fee established in this section, to the  
29 renewal applicant. Any person currently in possession of an approved  
30 personalized license plate shall have first priority on that particular plate for  
31 each of the following years that timely and appropriate application is made.

32           2. Upon application for a personalized plate by the owner of a motor  
33 vehicle for which the owner has no registration plate available for transfer as  
34 prescribed by section 301.140, the director shall issue a temporary permit  
35 authorizing the operation of the motor vehicle until the personalized plate is  
36 issued.

37           3. No personalized license plates shall be issued containing any letters,  
38 numbers or combination of letters and numbers which are obscene, profane,  
39 patently offensive or contemptuous of a racial or ethnic group, or offensive to good  
40 taste or decency, or would present an unreasonable danger to the health or safety  
41 of the applicant, of other users of streets and highways, or of the public in any  
42 location where the vehicle with such a plate may be found. The director may  
43 recall any personalized license plates, including those issued prior to August 28,  
44 1992, if the director determines that the plates are obscene, profane, patently  
45 offensive or contemptuous of a racial or ethnic group, or offensive to good taste  
46 or decency, or would present an unreasonable danger to the health or safety of  
47 the applicant, of other users of streets and highways, or of the public in any  
48 location where the vehicle with such a plate may be found. Where the director  
49 recalls such plates pursuant to the provisions of this subsection, the director shall  
50 reissue personalized license plates to the owner of the motor vehicle for which  
51 they were issued at no charge, if the new plates proposed by the owner of the  
52 motor vehicle meet the standards established pursuant to this section. The  
53 director shall not apply the provisions of this statute in a way that violates the  
54 Missouri or United States Constitutions as interpreted by the courts with  
55 controlling authority in the state of Missouri. The primary purpose of motor  
56 vehicle licence plates is to identify motor vehicles. Nothing in the issuance of a  
57 personalized license plate creates a designated or limited public forum. Nothing  
58 contained in this subsection shall be interpreted to prohibit the use of license  
59 plates, which are no longer valid for registration purposes, as collector's items or  
60 for decorative purposes.

61           4. The director may also establish categories of special license plates from

62 which license plates may be issued. Any such person, other than a person  
63 exempted from the additional fee pursuant to subsection 7 of this section, that  
64 desires a personalized special license plate from any such category shall pay the  
65 same additional fee and make the same kind of application as that required by  
66 subsection 1 of this section, and the director shall issue such plates in the same  
67 manner as other personalized special license plates are issued.

68         5. The director of revenue shall issue to residents of the state of Missouri  
69 who hold an unrevoked and unexpired official amateur radio license issued by the  
70 Federal Communications Commission, upon application and upon payment of the  
71 additional fee specified in subsection 1 of this section, except for a person  
72 exempted from the additional fee pursuant to subsection 7 of this section,  
73 personalized special license plates bearing the official amateur radio call letters  
74 assigned by the Federal Communications Commission to the applicant with the  
75 words "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The  
76 application shall be accompanied by a statement stating that the applicant has  
77 an unrevoked and unexpired amateur radio license issued by the Federal  
78 Communications Commission and the official radio call letters assigned by the  
79 Federal Communications Commission to the applicant. An owner making a new  
80 application and paying a new fee to retain an amateur radio plate may request  
81 a replacement plate with the words "AMATEUR RADIO" in place of the words  
82 "SHOW-ME STATE". If application is made to retain a plate that is three years  
83 old or older, the replacement plate shall be issued upon the payment of required  
84 fees.

85         6. Notwithstanding any other provision to the contrary, any business that  
86 repossesses motor vehicles or trailers and sells or otherwise disposes of them  
87 shall be issued a placard displaying the word "Repossessed", provided such  
88 business pays the fees presently required of a manufacturer, distributor, or dealer  
89 in subsection 1 of section [301.253] **301.560**. Such placard shall bear a number  
90 and shall be in such form as the director of revenue shall determine, and shall be  
91 only used for demonstrations when displayed substantially as provided for  
92 number plates on the rear of the motor vehicle or trailer.

93         7. Notwithstanding any provision of law to the contrary, any person who  
94 has retired from any branch of the United States armed forces or reserves, the  
95 United States Coast Guard or reserve, the United States Merchant Marines or  
96 reserve, the National Guard, or any subdivision of any such services shall be  
97 exempt from the additional fee required for personalized license plates issued

98 pursuant to section 301.441. As used in this subsection, "retired" means having  
99 served twenty or more years in the appropriate branch of service and having  
100 received an honorable discharge.

301.218. 1. No person shall, except as an incident to the sale, repair,  
2 rebuilding or servicing of vehicles by a licensed franchised motor vehicle dealer  
3 carry on or conduct the following business unless licensed to do so by the  
4 department of revenue under sections 301.217 to 301.229:

5 (1) Selling used parts of or used accessories for vehicles as a used parts  
6 dealer, as defined in section 301.010;

7 (2) Salvaging, wrecking or dismantling vehicles for resale of the parts  
8 thereof as a salvage dealer or dismantler, as defined in section 301.010;

9 (3) Rebuilding and repairing four or more wrecked or dismantled vehicles  
10 in a calendar year as a rebuilder or body shop, as defined in section 301.010;

11 (4) Processing scrapped vehicles or vehicle parts as a mobile scrap  
12 processor, as defined in section 301.010.

13 2. Sales at a salvage pool or a salvage disposal sale shall be open [only to  
14 and made to persons holding a current license under sections 301.217 to 301.221  
15 as a salvage dealer and dismantler and actually engaged in that business. Such  
16 persons must have and present a separate buyer's identification card issued by  
17 the department of revenue to buy at a salvage pool or salvage disposal sale. If  
18 the prospective purchasers are not engaged in such business in Missouri but are  
19 in some other state, then they shall submit a fee of twenty-five dollars and must  
20 furnish proof of licensure or nonrequirement therefor from their state to the  
21 director of revenue who shall issue a buyer's identification card after verifying  
22 that the prospective purchaser is entitled to have the same in order to buy  
23 salvage vehicles. The director of revenue shall adopt rules for criteria and  
24 requirements for out of state, prospective purchasers to meet in order to be issued  
25 a buyer's identification card] **to all potential buyers, whether or not they**  
26 **are required to be licensed under sections 301.218 to 301.226.** Operators  
27 of salvage pools or salvage disposal sales shall keep a record, for three years, of  
28 sales of salvage vehicles with the purchasers' name and address, and the year,  
29 make, and vehicle identification number for each vehicle. These records shall be  
30 open for inspection as provided in section 301.225.

31 3. The director of revenue shall issue a separate license for each kind of  
32 business described in this section, to be entitled and designated as either "used  
33 parts dealer"; "salvage dealer or dismantler"; "rebuilder or body shop"; or "mobile

34 scrap processor" license.

301.221. 1. The department shall file each application received by it with  
2 the required fee, and when satisfied that the applicant, if an individual, or each  
3 of the partners or principal officers of the applicant, if a partnership or a  
4 corporation, is of good moral character and that the applicant, so far as can be  
5 ascertained, has complied and will comply with the provisions of sections 301.217  
6 to 301.229 and the laws of this state relating to registration of and certificates of  
7 title of vehicles, shall issue to the applicant a license to carry on and conduct the  
8 kind of businesses, enumerated in section 301.218, specified in the application at  
9 the address therein specified, until the next license renewal date.

10 2. When the application is being made for licensure as a salvage dealer,  
11 a certification by a uniformed member **or an authorized or designated**  
12 **employee** of the Missouri state highway patrol stationed in the troop area in  
13 which the applicant's place of business is located; except, that in counties of the  
14 first classification, certification may be performed by an officer of a metropolitan  
15 police department when the applicant's established place of business of salvage  
16 is in the metropolitan area where the certifying metropolitan police officer is  
17 employed. An applicant shall have a bona fide established place of business  
18 which shall include a permanent enclosed building or structure, either owned in  
19 fee or leased and actually occupied as a place of business by the applicant for:

- 20 (1) Selling used parts of or used accessories for vehicles; or  
21 (2) Salvaging, wrecking or dismantling vehicles for resale of the parts  
22 thereof; or  
23 (3) Rebuilding and repairing wrecked or dismantled vehicles; or  
24 (4) Processing scrapped vehicles or vehicle parts.

25 3. The applicant's place of business shall be a place wherein the public  
26 may contact the owner or operator, in person or by telephone, at any reasonable  
27 time, and wherein shall be kept and maintained the books, records, files, tools,  
28 equipment and other matters required and necessary to conduct the business.

29 4. The application shall include a photograph, not to exceed eight inches  
30 by ten inches, showing the building and business premises and shall accompany  
31 the initial application but will not be required for subsequent renewals unless  
32 substantial changes have been made to the building or business premises.

301.225. Every person licensed or required to be licensed shall maintain  
2 for three years on vehicles not more than seven years old a record of:

- 3 (1) Every vehicle or used transmission, rear end, cowl, frame, body, front

4 end assembly or engine of or for a vehicle received or acquired by him, its  
5 description and identifying number, if any, the date of its receipt or acquisition,  
6 and the name and address of the person from whom received or acquired;

7 (2) Every vehicle wrecked, dismantled or disposed of by him, and the date  
8 of its wrecking or dismantling and, if sold to a scrap metal operator, the  
9 operator's name and address.

10 Every such record shall be retained by the person licensed or required to be  
11 licensed at his principal place of business and shall be open to inspection by any  
12 representative of the department, member **or authorized or designated**  
13 **employee** of the Missouri highway patrol, or any police officer during reasonable  
14 business hours. Members of the patrol or any police officer may inspect the  
15 premises of every person licensed or required to be licensed at any time that  
16 business is being conducted or work is being performed, whether or not open to  
17 the public to enforce the provisions of sections 301.217 to 301.229.

301.229. 1. Anyone who violates any provision of sections 301.217 to  
2 301.229 is guilty of a class A misdemeanor and, upon conviction, shall be  
3 punished as provided by law.

4 2. The director of revenue or his **or her** designated representative,  
5 **including members or authorized or designated employees of the**  
6 **Missouri state highway patrol** shall administer and enforce the provisions of  
7 sections 301.217 to 301.229 and may develop, prescribe and issue any forms,  
8 notices or other written documents in order to enforce such authority and to  
9 ensure that every person licensed or required to be licensed pursuant to sections  
10 301.217 to 301.229 is in compliance with sections 301.217 to 301.229.

301.550. 1. The definitions contained in section 301.010 shall apply to  
2 sections 301.550 to 301.573, and in addition as used in sections 301.550 to  
3 301.573, the following terms mean:

4 (1) "Boat dealer", any natural person, partnership, or corporation who, for  
5 a commission or with an intent to make a profit or gain of money or other thing  
6 of value, sells, barter, exchanges, leases or rents with the option to purchase,  
7 offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer,  
8 whether or not the vessel or vessel trailer is owned by such person. The sale of  
9 six or more vessels or vessel trailers or both in any calendar year shall be  
10 required as evidence that such person is eligible for licensure as a boat dealer  
11 under sections 301.550 to 301.573. The boat dealer shall demonstrate eligibility  
12 for renewal of his license by selling six or more vessels or vessel trailers or both

13 in the prior calendar year while licensed as a boat dealer pursuant to sections  
14 301.550 to 301.573;

15 (2) "Boat manufacturer", any person engaged in the manufacturing,  
16 assembling or modification of new vessels or vessel trailers as a regular business,  
17 including a person, partnership or corporation which acts for and is under the  
18 control of a manufacturer or assembly in connection with the distribution of  
19 vessels or vessel trailers;

20 (3) "Department", the Missouri department of revenue;

21 (4) "Director", the director of the Missouri department of revenue;

22 (5) **"Emergency vehicles", motor vehicles used as ambulances, law  
23 enforcement vehicles, and fire fighting and assistance vehicles;**

24 (6) "Manufacturer", any person engaged in the manufacturing, assembling  
25 or modification of new motor vehicles or trailers as a regular business, including  
26 a person, partnership or corporation which acts for and is under the control of a  
27 manufacturer or assembly in connection with the distribution of motor vehicles  
28 or accessories for motor vehicles;

29 [(6)] (7) "Motor vehicle broker", a person who holds himself out through  
30 solicitation, advertisement, or otherwise as one who offers to arrange a  
31 transaction involving the retail sale of a motor vehicle, and who is not:

32 (a) A dealer, or any agent, or any employee of a dealer when acting on  
33 behalf of a dealer;

34 (b) A manufacturer, or any agent, or employee of a manufacturer when  
35 acting on behalf of a manufacturer;

36 (c) The owner of the vehicle involved in the transaction; or

37 (d) A public motor vehicle auction or wholesale motor vehicle auction  
38 where buyers are licensed dealers in this or any other jurisdiction;

39 [(7)] (8) "Motor vehicle dealer" or "dealer", any person who, for  
40 commission or with an intent to make a profit or gain of money or other thing of  
41 value, sells, barter, exchanges, leases or rents with the option to purchase, or  
42 who offers or attempts to sell or negotiates the sale of motor vehicles or trailers  
43 whether or not the motor vehicles or trailers are owned by such person; provided,  
44 however, an individual auctioneer or auction conducted by an auctioneer licensed  
45 pursuant to chapter 343, RSMo, shall not be included within the definition of a  
46 motor vehicle dealer. The sale of six or more motor vehicles or trailers in any  
47 calendar year shall be required as evidence that such person is engaged in the  
48 motor vehicle business and is eligible for licensure as a motor vehicle dealer

49 under sections 301.550 to 301.573;

50           [(8)] (9) "New motor vehicle", any motor vehicle being transferred for the  
51 first time from a manufacturer, distributor or new vehicle dealer which has not  
52 been registered or titled in this state or any other state and which is offered for  
53 sale, barter or exchange by a dealer who is franchised to sell, barter or exchange  
54 that particular make of motor vehicle. The term "new motor vehicle" shall not  
55 include manufactured homes, as defined in section 700.010, RSMo;

56           [(9)] (10) "New motor vehicle franchise dealer", any motor vehicle dealer  
57 who has been franchised to deal in a certain make of motor vehicle by the  
58 manufacturer or distributor of that make and motor vehicle and who may, in line  
59 with conducting his business as a franchise dealer, sell, barter or exchange used  
60 motor vehicles;

61           [(10)] (11) "Person" includes an individual, a partnership, corporation,  
62 an unincorporated society or association, joint venture or any other entity;

63           [(11)] (12) "Powersport dealer", any motor vehicle dealer who sells, either  
64 pursuant to a franchise agreement or otherwise, primarily motor vehicles  
65 including but not limited to motorcycles, all-terrain vehicles, and personal  
66 watercraft, as those terms are defined in this chapter and chapter 306, RSMo;

67           [(12)] (13) "Public motor vehicle auction", any person, firm or corporation  
68 who takes possession of a motor vehicle whether by consignment, bailment or any  
69 other arrangement, except by title, for the purpose of selling motor vehicles at a  
70 public auction by a licensed auctioneer;

71           [(13)] (14) "Storage lot", an area, within the same city or county where  
72 a dealer may store excess vehicle inventory;

73           [(14)] (15) "Used motor vehicle", any motor vehicle which is not a new  
74 motor vehicle, as defined in sections 301.550 to 301.573, and which has been sold,  
75 bartered, exchanged or given away or which may have had a title issued in this  
76 state or any other state, or a motor vehicle so used as to be what is commonly  
77 known as a secondhand motor vehicle. In the event of an assignment of the  
78 statement of origin from an original franchise dealer to any individual or other  
79 motor vehicle dealer other than a new motor vehicle franchise dealer of the same  
80 make, the vehicle so assigned shall be deemed to be a used motor vehicle and a  
81 certificate of ownership shall be obtained in the assignee's name. The term "used  
82 motor vehicle" shall not include manufactured homes, as defined in section  
83 700.010, RSMo;

84           [(15)] (16) "Used motor vehicle dealer", any motor vehicle dealer who is

85 not a new motor vehicle franchise dealer;

86 [(16)] (17) "Vessel", every boat and watercraft defined as a vessel in  
87 section 306.010, RSMo;

88 [(17)] (18) "Vessel trailer", any trailer, as defined by section 301.010  
89 which is designed and manufactured for the purposes of transporting vessels;

90 [(18)] (19) "Wholesale motor vehicle auction", any person, firm or  
91 corporation in the business of providing auction services solely in wholesale  
92 transactions at its established place of business in which the purchasers are  
93 motor vehicle dealers licensed by this or any other jurisdiction, and which neither  
94 buys, sells nor owns the motor vehicles it auctions in the ordinary course of its  
95 business. Except as required by law with regard to the auction sale of a  
96 government owned motor vehicle, a wholesale motor vehicle auction shall not  
97 provide auction services in connection with the retail sale of a motor vehicle;

98 [(19)] (20) "Wholesale motor vehicle dealer", a motor vehicle dealer who  
99 sells motor vehicles only to other new motor vehicle franchise dealers or used  
100 motor vehicle dealers or via auctions limited to other dealers of any class.

101 2. For purposes of sections 301.550 to 301.573, neither the term "motor  
102 vehicle" nor the term "trailer" shall include manufactured homes, as defined in  
103 section 700.010, RSMo.

104 3. Dealers shall be divided into classes as follows:

- 105 (1) Boat dealers;
- 106 (2) Franchised new motor vehicle dealers;
- 107 (3) Used motor vehicle dealers;
- 108 (4) Wholesale motor vehicle dealers;
- 109 (5) Recreational motor vehicle dealers;
- 110 (6) Historic motor vehicle dealers;
- 111 (7) Classic motor vehicle dealers; and
- 112 (8) Powersport dealers.

301.560. 1. In addition to the application forms prescribed by the  
2 department, each applicant shall submit the following to the department:

- 3 (1) Every application other than a renewal application for a motor vehicle  
4 franchise dealer shall include a certification that the applicant has a bona fide  
5 established place of business. When the application is being made for licensure  
6 as a manufacturer, motor vehicle dealer, wholesale motor vehicle dealer,  
7 wholesale motor vehicle auction or a public motor vehicle auction, certification  
8 shall be performed by a uniformed member of the Missouri state highway patrol

9 stationed in the troop area in which the applicant's place of business is located;  
10 except, that in counties of the first classification, certification may be performed  
11 by an officer of a metropolitan police department when the applicant's established  
12 place of business of distributing or selling motor vehicles or trailers is in the  
13 metropolitan area where the certifying metropolitan police officer is  
14 employed. When the application is being made for licensure as a boat  
15 manufacturer or boat dealer, certification shall be performed by a uniformed  
16 member of the Missouri state water patrol stationed in the district area in which  
17 the applicant's place of business is located or by a uniformed member of the  
18 Missouri state highway patrol stationed in the troop area in which the applicant's  
19 place of business is located or, if the applicant's place of business is located  
20 within the jurisdiction of a metropolitan police department in a first class county,  
21 by an officer of such metropolitan police department. A bona fide established  
22 place of business for any new motor vehicle franchise dealer or used motor vehicle  
23 dealer shall include a permanent enclosed building or structure, either owned in  
24 fee or leased and actually occupied as a place of business by the applicant for the  
25 selling, bartering, trading or exchanging of motor vehicles or trailers and wherein  
26 the public may contact the owner or operator at any reasonable time, and wherein  
27 shall be kept and maintained the books, records, files and other matters required  
28 and necessary to conduct the business. The applicant's place of business shall  
29 contain a working telephone which shall be maintained during the entire  
30 registration year. In order to qualify as a bona fide established place of business  
31 for all applicants licensed pursuant to this section there shall be an exterior sign  
32 displayed carrying the name of the business set forth in letters at least six inches  
33 in height and clearly visible to the public and there shall be an area or lot which  
34 shall not be a public street on which one or more vehicles may be displayed,  
35 except when licensure is for a wholesale motor vehicle dealer, a lot and sign shall  
36 not be required. The sign shall contain the name of the dealership by which it  
37 is known to the public through advertising or otherwise, which need not be  
38 identical to the name appearing on the dealership's license so long as such name  
39 is registered as a fictitious name with the secretary of state, has been approved  
40 by its line-make manufacturer in writing in the case of a new motor vehicle  
41 franchise dealer and a copy of such fictitious name registration has been provided  
42 to the department. When licensure is for a boat dealer, a lot shall not be  
43 required. In the case of new motor vehicle franchise dealers, the bona fide  
44 established place of business shall include adequate facilities, tools and personnel

45 necessary to properly service and repair motor vehicles and trailers under their  
46 franchisor's warranty. **Dealers who sell only emergency vehicles as**  
47 **defined in section 301.550 are exempt from maintaining a bona fide**  
48 **place of business, including the related law enforcement certification**  
49 **requirements, and from meeting the minimum yearly sales;**

50 (2) If the application is for licensure as a manufacturer, boat  
51 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer,  
52 wholesale motor vehicle auction, boat dealer or a public motor vehicle auction, a  
53 photograph, not to exceed eight inches by ten inches, showing the business  
54 building and sign shall accompany the initial application. In the case of a  
55 manufacturer, new motor vehicle franchise dealer or used motor vehicle dealer,  
56 the photograph shall include the lot of the business. A new motor vehicle  
57 franchise dealer applicant who has purchased a currently licensed new motor  
58 vehicle franchised dealership shall be allowed to submit a photograph of the  
59 existing dealership building, lot and sign but shall be required to submit a new  
60 photograph upon the installation of the new dealership sign as required by  
61 sections 301.550 to 301.573. Applicants shall not be required to submit a  
62 photograph annually unless the business has moved from its previously licensed  
63 location, or unless the name of the business or address has changed, or unless the  
64 class of business has changed;

65 (3) If the application is for licensure as a wholesale motor vehicle dealer  
66 or as a boat dealer, the application shall contain the business address, not a post  
67 office box, and telephone number of the place where the books, records, files and  
68 other matters required and necessary to conduct the business are located and  
69 where the same may be inspected during normal daytime business  
70 hours. Wholesale motor vehicle dealers and boat dealers shall file reports as  
71 required of new franchised motor vehicle dealers and used motor vehicle dealers;

72 (4) Every applicant as a new motor vehicle franchise dealer, a used motor  
73 vehicle dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with  
74 the application a corporate surety bond or an irrevocable letter of credit as  
75 defined in section 400.5-103, RSMo, issued by any state or federal financial  
76 institution in the penal sum of twenty-five thousand dollars on a form approved  
77 by the department. The bond or irrevocable letter of credit shall be conditioned  
78 upon the dealer complying with the provisions of the statutes applicable to new  
79 motor vehicle franchise dealers, used motor vehicle dealers, wholesale motor  
80 vehicle dealers and boat dealers, and the bond shall be an indemnity for any loss

81 sustained by reason of the acts of the person bonded when such acts constitute  
82 grounds for the suspension or revocation of the dealer's license. The bond shall  
83 be executed in the name of the state of Missouri for the benefit of all aggrieved  
84 parties or the irrevocable letter of credit shall name the state of Missouri as the  
85 beneficiary; except, that the aggregate liability of the surety or financial  
86 institution to the aggrieved parties shall, in no event, exceed the amount of the  
87 bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter  
88 of credit shall be paid upon receipt by the department of a final judgment from  
89 a Missouri court of competent jurisdiction against the principal and in favor of  
90 an aggrieved party;

91 (5) Payment of all necessary license fees as established by the  
92 department. In establishing the amount of the annual license fees, the  
93 department shall, as near as possible, produce sufficient total income to offset  
94 operational expenses of the department relating to the administration of sections  
95 301.550 to 301.573. All fees payable pursuant to the provisions of sections  
96 301.550 to 301.573, other than those fees collected for the issuance of dealer  
97 plates or certificates of number collected pursuant to subsection 6 of this section,  
98 shall be collected by the department for deposit in the state treasury to the credit  
99 of the "Motor Vehicle Commission Fund", which is hereby created. The motor  
100 vehicle commission fund shall be administered by the Missouri department of  
101 revenue. The provisions of section 33.080, RSMo, to the contrary  
102 notwithstanding, money in such fund shall not be transferred and placed to the  
103 credit of the general revenue fund until the amount in the motor vehicle  
104 commission fund at the end of the biennium exceeds two times the amount of the  
105 appropriation from such fund for the preceding fiscal year or, if the department  
106 requires permit renewal less frequently than yearly, then three times the  
107 appropriation from such fund for the preceding fiscal year. The amount, if any,  
108 in the fund which shall lapse is that amount in the fund which exceeds the  
109 multiple of the appropriation from such fund for the preceding fiscal year.

110 2. In the event a new manufacturer, boat manufacturer, motor vehicle  
111 dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle  
112 auction or a public motor vehicle auction submits an application for a license for  
113 a new business and the applicant has complied with all the provisions of this  
114 section, the department shall make a decision to grant or deny the license to the  
115 applicant within eight working hours after receipt of the dealer's application,  
116 notwithstanding any rule of the department.

117 3. Upon the initial issuance of a license by the department, the  
 118 department shall assign a distinctive dealer license number or certificate of  
 119 number to the applicant and the department shall issue one number plate or  
 120 certificate bearing the distinctive dealer license number or certificate of number  
 121 within eight working hours after presentment of the application. Upon the  
 122 renewal of a boat dealer, boat manufacturer, manufacturer, motor vehicle dealer,  
 123 public motor vehicle auction, wholesale motor vehicle dealer or wholesale motor  
 124 vehicle auction, the department shall issue the distinctive dealer license number  
 125 or certificate of number as quickly as possible. The issuance of such distinctive  
 126 dealer license number or certificate of number shall be in lieu of registering each  
 127 motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat  
 128 manufacturer, manufacturer, public motor vehicle auction, wholesale motor  
 129 vehicle dealer, wholesale motor vehicle auction or motor vehicle dealer.

130 4. Notwithstanding any other provision of the law to the contrary, the  
 131 department shall assign the following distinctive dealer license numbers to:

132 New motor vehicle franchise  
 133 dealers..... D-0 through D-999  
 134 New [motor vehicle franchise and  
 135 commercial motor vehicle]  
 136 **powersport dealers.** ..... D-1000 through D-1999  
 137 Used motor vehicle [dealers]  
 138 **and used powersport dealers.** ..... D-2000 through [D-5399] **D-9999**  
 139 [and D-6000 through D-9999]  
 140 Wholesale motor vehicle  
 141 dealers..... [W-1000] **W-0** through W-1999  
 142 Wholesale motor vehicle  
 143 auctions..... [W-2000] **WA-0** through [W-2999] **WA-999**  
 144 **New and used** trailer dealers. .... T-0 through T-9999  
 145 Motor vehicle [and], trailer, **and boat**  
 146 manufacturers..... [M-0] **DM-0** through [M-9999] **DM-999**  
 147 [Motorcycle dealers..... D-5400 through D-5999]  
 148 Public motor vehicle  
 149 auctions..... [A-1000] **A-0** through A-1999  
 150 Boat dealers [and boat  
 151 manufacturers]. .... [B-0] **M-0** through [B-9999] **M-9999**  
 152 **The provisions of this subsection shall become effective on the date the**

153 **director of the department of revenue begins to reissue new license**  
154 **plates under section 301.130, or on December 1, 2008, whichever occurs**  
155 **first. If the director of revenue begins reissuing new license plates**  
156 **under the authority granted under section 301.130 prior to December**  
157 **1, 2008, the director of the department of revenue shall notify the**  
158 **revisor of statutes of such fact.**

159           5. Upon the sale of a currently licensed new motor vehicle franchise  
160 dealership the department shall, upon request, authorize the new approved dealer  
161 applicant to retain the selling dealer's license number and shall cause the new  
162 dealer's records to indicate such transfer.

163           6. In the case of manufacturers and motor vehicle dealers, the department  
164 shall also issue one number plate bearing the distinctive dealer license number  
165 to the applicant upon payment by the manufacturer or dealer of a fifty dollar  
166 fee. Such license plates shall be made with fully reflective material with a  
167 common color scheme and design, shall be clearly visible at night, and shall be  
168 aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat  
169 manufacturers shall be entitled to one certificate of number bearing such number  
170 upon the payment of a fifty dollar fee. As many additional number plates as may  
171 be desired by manufacturers and motor vehicle dealers and as many additional  
172 certificates of number as may be desired by boat dealers and boat manufacturers  
173 may be obtained upon payment of a fee of ten dollars and fifty cents for each  
174 additional plate or certificate. A motor vehicle dealer, boat dealer, manufacturer,  
175 boat manufacturer, public motor vehicle auction, wholesale motor vehicle dealer  
176 or wholesale motor vehicle auction obtaining a dealer license plate or certificate  
177 of number or additional license plate or additional certificate of number,  
178 throughout the calendar year, shall be required to pay a fee for such license  
179 plates or certificates of number computed on the basis of one-twelfth of the full  
180 fee prescribed for the original and duplicate number plates or certificates of  
181 number for such dealers' licenses, multiplied by the number of months remaining  
182 in the licensing period for which the dealer or manufacturers shall be required  
183 to be licensed. In the event of a renewing dealer, the fee due at the time of  
184 renewal shall not be prorated.

185           7. The plates issued pursuant to subsection 3 or 6 of this section may be  
186 displayed on any motor vehicle owned and held for resale by the motor vehicle  
187 dealer or manufacturer, and used by a customer who is test driving the motor  
188 vehicle, or is used by an employee or officer, but shall not be displayed on any

189 motor vehicle or trailer hired or loaned to others or upon any regularly used  
190 service or wrecker vehicle. Motor vehicle dealers may display their dealer plates  
191 on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition.

192 8. The certificates of number issued pursuant to subsection 3 or 6 of this  
193 section may be displayed on any vessel or vessel trailer owned and held for resale  
194 by a boat manufacturer or a boat dealer, and used by a customer who is test  
195 driving the vessel or vessel trailer, or is used by an employee or officer, but shall  
196 not be displayed on any vessel or vessel trailer hired or loaned to others or upon  
197 any regularly used service vessel or vessel trailer. Boat dealers and  
198 manufacturers may display their certificate of number on a vessel or vessel trailer  
199 which is being transported to an exhibit or show.

200 9. (1) Beginning August 28, 2006, every application for the issuance of a  
201 used motor vehicle dealer's license shall be accompanied by proof that the  
202 applicant, within the last twelve months, has completed an educational seminar  
203 course approved by the department as prescribed by subdivision (2) of this  
204 subsection. Wholesale and retail auto auctions shall be exempt from the  
205 requirements of this subsection. The provisions of this subsection shall not apply  
206 to new motor vehicle franchise dealers or a motor vehicle leasing agency. The  
207 provisions of this subsection shall not apply to used motor vehicle dealers who  
208 were licensed prior to August 28, 2006.

209 (2) The educational seminar shall include, but is not limited to, the dealer  
210 requirements of sections 301.550 to 301.573, the rules promulgated to implement,  
211 enforce, and administer sections 301.550 to 301.570, and any other rules and  
212 regulations promulgated by the department.

302.272. 1. No person shall operate any school bus owned by or under  
2 contract with a public school or the state board of education unless such driver  
3 has qualified for a school bus endorsement under this section and complied with  
4 the pertinent rules and regulations of the department of revenue and any final  
5 rule issued by the secretary of the United States Department of Transportation  
6 or has a valid school bus endorsement on a valid commercial driver's license  
7 issued by another state. A school bus endorsement shall be issued to any  
8 applicant who meets the following qualifications:

9 (1) The applicant has a valid state license issued under this chapter;

10 (2) The applicant is at least twenty-one years of age; and

11 (3) The applicant has successfully passed an examination for the  
12 operation of a school bus as prescribed by the director of revenue. The

13 examination shall include any examinations prescribed by the secretary of the  
14 United States Department of Transportation, and a driving test in the type of  
15 vehicle to be operated. The test shall be completed in the appropriate class of  
16 vehicle to be driven. For purposes of this section classes of school buses shall  
17 comply with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.  
18 Law 99-570). For drivers who are at least seventy years of age, such examination  
19 shall be completed annually.

20           2. The director of revenue, to the best of the director's knowledge, shall  
21 not issue or renew a school bus endorsement to any applicant whose driving  
22 record shows that such applicant's privilege to operate a motor vehicle has been  
23 suspended, revoked or disqualified or whose driving record shows a history of  
24 moving vehicle violations.

25           3. **The director of revenue shall not issue or renew a school bus**  
26 **endorsement to any applicant whose driving record shows that the**  
27 **applicant has been convicted of an intoxication-related traffic offense,**  
28 **as that term is defined in section 577.023, RSMo, while operating a**  
29 **school bus. A person found guilty or pleading guilty to an intoxication-**  
30 **related traffic offense while operating a school bus shall have his or**  
31 **her school bus endorsement permanently denied by the court,**  
32 **beginning on the date of the court's order.**

33           4. The director may adopt any rules and regulations necessary to carry  
34 out the provisions of this section. Any rule or portion of a rule, as that term is  
35 defined in section 536.010, RSMo, that is created under the authority delegated  
36 in this section shall become effective only if it complies with and is subject to all  
37 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,  
38 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the  
39 powers vested with the general assembly pursuant to chapter 536, RSMo, to  
40 review, to delay the effective date, or to disapprove and annul a rule are  
41 subsequently held unconstitutional, then the grant of rulemaking authority and  
42 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

43           [4.] 5. Notwithstanding the requirements of this section, an applicant  
44 who resides in another state and possesses a valid driver's license from his or her  
45 state of residence with a valid school bus endorsement for the type of vehicle  
46 being operated shall not be required to obtain a Missouri driver's license with a  
47 school bus endorsement.

302.275. 1. Any employer of a person licensed pursuant to section 302.272

2 to operate a school bus, as that term is defined in section 301.010, RSMo, shall  
3 notify the director of the department of revenue within ten days of discovering  
4 that the person has failed to pass any drug, alcohol or chemical test administered  
5 pursuant to the requirements of any federal or state law, rule or regulation  
6 regarding the operation of a school bus. The notification shall consist of the  
7 person's name and any other relevant information required by the director. The  
8 director shall determine the manner in which the notification is made. Any  
9 employer, or any officer of an employer, who knowingly fails to comply with the  
10 notification requirement of this section or who knowingly provides a false  
11 notification shall be guilty of an infraction.

12 **2. Whenever a citation for an intoxicated-related traffic offense,**  
13 **as defined by section 577.023, RSMo, is issued to any person licensed**  
14 **under section 302.272 to operate a school bus, the person shall notify**  
15 **the superintendent of the school district or employing contractor for**  
16 **which he or she operates a school bus of the citation. Notice of such**  
17 **citation shall be given prior to the person resuming operation of a**  
18 **school bus. Failure to notify the school district or the employing**  
19 **contractor of the citation shall constitute a valid reason to discharge**  
20 **such person from the school district's or employing contractor's**  
21 **employ.**

302.321. 1. A person commits the crime of driving while revoked if such  
2 person operates a motor vehicle on a highway when such person's license or  
3 driving privilege has been canceled, suspended, or revoked under the laws of this  
4 state or any other state and acts with criminal negligence with respect to  
5 knowledge of the fact that such person's driving privilege has been canceled,  
6 suspended, or revoked.

7 2. Any person convicted of driving while revoked is guilty of a class A  
8 misdemeanor. **If the person convicted of driving while revoked was**  
9 **operating a school bus at the time of the offense, the person shall be**  
10 **fined not less than one thousand dollars if the offense is otherwise a**  
11 **class A misdemeanor.** Any person with no prior alcohol-related enforcement  
12 contacts as defined in section 302.525, convicted a fourth or subsequent time of  
13 driving while revoked or a county or municipal ordinance of driving while  
14 suspended or revoked where the defendant was represented by or waived the  
15 right to an attorney in writing, and where the prior three driving-while-revoked  
16 offenses occurred within ten years of the date of occurrence of the present offense;

17 and any person with a prior alcohol-related enforcement contact as defined in  
18 section 302.525, convicted a third or subsequent time of driving while revoked or  
19 a county or municipal ordinance of driving while suspended or revoked where the  
20 defendant was represented by or waived the right to an attorney in writing, and  
21 where the prior two driving-while-revoked offenses occurred within ten years of  
22 the date of occurrence of the present offense and where the person received and  
23 served a sentence of ten days or more on such previous offenses is guilty of a class  
24 D felony. No court shall suspend the imposition of sentence as to such a person  
25 nor sentence such person to pay a fine in lieu of a term of imprisonment, nor  
26 shall such person be eligible for parole or probation until such person has served  
27 a minimum of forty-eight consecutive hours of imprisonment, unless as a  
28 condition of such parole or probation, such person performs at least ten days  
29 involving at least forty hours of community service under the supervision of the  
30 court in those jurisdictions which have a recognized program for community  
31 service. Driving while revoked is a class D felony on the second or subsequent  
32 conviction pursuant to section 577.010, RSMo, or a fourth or subsequent  
33 conviction for any other offense.

302.545. 1. Any person who is less than twenty-one years of age and  
2 whose driving privilege has been suspended or revoked, for a first determination  
3 under sections 302.500 to 302.540, that such person was driving with  
4 two-hundredths of one percent of blood alcohol content, shall have all official  
5 records and all recordations maintained by the department of revenue of such  
6 suspension or revocation expunged two years after the date of such suspension  
7 or revocation, or when such person attains the age of twenty-one, whichever date  
8 first occurs. Such expungement shall be performed by the department of revenue  
9 without need of a court order. No records shall be expunged **until three years**  
10 **after the date of suspension or revocation, if the person was holding a**  
11 **commercial driver's license at the time of the offense, or** if the person was  
12 found guilty or pled guilty to operating a commercial motor vehicle, as defined in  
13 section 302.700, with a blood alcohol content of at least four-hundredths of one  
14 percent.

15 2. The provisions of this section shall not apply to any person whose  
16 license is suspended or revoked for a second or subsequent time pursuant to  
17 subsection 1 of this section or who is convicted of any alcohol-related driving  
18 offense before the age of twenty-one including, but not limited to:

19 (1) Driving while intoxicated pursuant to section 577.010, RSMo; or

20 (2) Driving with excessive blood alcohol content pursuant to section  
21 577.012, RSMo.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform  
2 Commercial Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and  
4 phrases mean:

5 (1) "Alcohol", any substance containing any form of alcohol, including, but  
6 not limited to, ethanol, methanol, propanol and isopropanol;

7 (2) "Alcohol concentration", the number of grams of alcohol per one  
8 hundred milliliters of blood or the number of grams of alcohol per two hundred  
9 ten liters of breath or the number of grams of alcohol per sixty-seven milliliters  
10 of urine;

11 (3) "Commercial driver's instruction permit", a permit issued pursuant to  
12 section 302.720;

13 (4) "Commercial driver's license", a license issued by this state to an  
14 individual which authorizes the individual to operate a commercial motor vehicle;

15 (5) "Commercial driver's license information system", the information  
16 system established pursuant to the Commercial Motor Vehicle Safety Act of 1986  
17 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information  
18 related to the licensing and identification of commercial motor vehicle drivers;

19 (6) "Commercial motor vehicle", a motor vehicle designed or used to  
20 transport passengers or property:

21 (a) If the vehicle has a gross combination weight rating of twenty-six  
22 thousand one or more pounds inclusive of a towed unit which has a gross vehicle  
23 weight rating of ten thousand one pounds or more;

24 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand  
25 one or more pounds or such lesser rating as determined by federal regulation;

26 (c) If the vehicle is designed to transport sixteen or more passengers,  
27 including the driver; or

28 (d) If the vehicle is transporting hazardous materials and is required to  
29 be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801  
30 et seq.);

31 (7) "Controlled substance", any substance so classified under Section  
32 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all  
33 substances listed in schedules I through V of 21 CFR part 1308, as they may be  
34 revised from time to time;

35 (8) "Conviction", an unvacated adjudication of guilt, including pleas of  
36 guilt and nolo contendere, or a determination that a person has violated or failed  
37 to comply with the law in a court of original jurisdiction or an authorized  
38 administrative proceeding, an unvacated forfeiture of bail or collateral deposited  
39 to secure the person's appearance in court, the payment of a fine or court cost, or  
40 violation of a condition of release without bail, regardless of whether the penalty  
41 is rebated, suspended or prorated, **including an offense for failure to appear**  
42 **or pay;**

43 (9) "Director", the director of revenue or his authorized representative;

44 (10) "Disqualification", any of the following three actions:

45 (a) The suspension, revocation, or cancellation of a commercial driver's  
46 license;

47 (b) Any withdrawal of a person's privileges to drive a commercial motor  
48 vehicle by a state as the result of a violation of federal, state, county, municipal,  
49 or local law relating to motor vehicle traffic control or violations committed  
50 through the operation of motor vehicles, other than parking, vehicle weight, or  
51 vehicle defect violations;

52 (c) A determination by the Federal Motor Carrier Safety Administration  
53 that a person is not qualified to operate a commercial motor vehicle under 49  
54 CFR Part 383.52 or Part 391;

55 (11) "Drive", to drive, operate or be in physical control of a commercial  
56 motor vehicle;

57 (12) "Driver", any person who drives, operates, or is in physical control of  
58 a motor vehicle, or who is required to hold a commercial driver's license;

59 (13) "Driving under the influence of alcohol", the commission of any one  
60 or more of the following acts:

61 (a) Driving a commercial motor vehicle with the alcohol concentration of  
62 four one-hundredths of a percent or more as prescribed by the secretary or such  
63 other alcohol concentration as may be later determined by the secretary by  
64 regulation;

65 (b) Driving a commercial or noncommercial motor vehicle while  
66 intoxicated in violation of any federal or state law, or in violation of a county or  
67 municipal ordinance;

68 (c) Driving a commercial or noncommercial motor vehicle with excessive  
69 blood alcohol content in violation of any federal or state law, or in violation of a  
70 county or municipal ordinance;

71 (d) Refusing to submit to a chemical test in violation of section 577.041,  
72 RSMo, section 302.750, any federal or state law, or a county or municipal  
73 ordinance; or

74 (e) Having any state, county or municipal alcohol-related enforcement  
75 contact, as defined in subsection 3 of section 302.525; provided that any  
76 suspension or revocation pursuant to section 302.505, committed in a  
77 noncommercial motor vehicle by an individual twenty-one years of age or older  
78 shall have been committed by the person with an alcohol concentration of at least  
79 eight-hundredths of one percent or more, or in the case of an individual who is  
80 less than twenty-one years of age, shall have been committed by the person with  
81 an alcohol concentration of at least two-hundredths of one percent or more, and  
82 if committed in a commercial motor vehicle, a concentration of four-hundredths  
83 of one percent or more;

84 (14) "Driving under the influence of a controlled substance", the  
85 commission of any one or more of the following acts in a commercial or  
86 noncommercial motor vehicle:

87 (a) Driving a commercial or noncommercial motor vehicle while under the  
88 influence of any substance so classified under Section 102(6) of the Controlled  
89 Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I  
90 through V of 21 CFR Part 1308, as they may be revised from time to time;

91 (b) Driving a commercial or noncommercial motor vehicle while in a  
92 drugged condition in violation of any federal or state law or in violation of a  
93 county or municipal ordinance; or

94 (c) Refusing to submit to a chemical test in violation of section 577.041,  
95 RSMo, section 302.750, any federal or state law, or a county or municipal  
96 ordinance;

97 (15) "Employer", any person, including the United States, a state, or a  
98 political subdivision of a state, who owns or leases a commercial motor vehicle or  
99 assigns a driver to operate such a vehicle;

100 (16) "Farm vehicle", a commercial motor vehicle controlled and operated  
101 by a farmer used exclusively for the transportation of agricultural products, farm  
102 machinery, farm supplies, or a combination of these, within one hundred fifty  
103 miles of the farm, other than one which requires placarding for hazardous  
104 materials as defined in this section, or used in the operation of a common or  
105 contract motor carrier, except that a farm vehicle shall not be a commercial motor  
106 vehicle when the total combined gross weight rating does not exceed twenty-six

107 thousand one pounds when transporting fertilizers as defined in subdivision (21)  
108 of this subsection;

109 (17) "Fatality", the death of a person as a result of a motor vehicle  
110 accident;

111 (18) "Felony", any offense under state or federal law that is punishable by  
112 death or imprisonment for a term exceeding one year;

113 (19) "Gross combination weight rating" or "GCWR", the value specified by  
114 the manufacturer as the loaded weight of a combination (articulated) vehicle. In  
115 the absence of a value specified by the manufacturer, GCWR will be determined  
116 by adding the GVWR of the power unit and the total weight of the towed unit and  
117 any load thereon;

118 (20) "Gross vehicle weight rating" or "GVWR", the value specified by the  
119 manufacturer as the loaded weight of a single vehicle;

120 (21) "Hazardous materials", hazardous materials as specified in Section  
121 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et  
122 seq.). Fertilizers, including but not limited to ammonium nitrate, phosphate,  
123 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not  
124 be considered hazardous materials when transported by a farm vehicle provided  
125 all other provisions of this definition are followed;

126 (22) "Imminent hazard", the existence of a condition that presents a  
127 substantial likelihood that death, serious illness, severe personal injury, or a  
128 substantial endangerment to health, property, or the environment may occur  
129 before the reasonably foreseeable completion date of a formal proceeding begins  
130 to lessen the risk of that death, illness, injury, or endangerment;

131 (23) "Issuance", the initial licensure, license transfers, license renewals,  
132 and license upgrades;

133 (24) "Motor vehicle", any self-propelled vehicle not operated exclusively  
134 upon tracks;

135 (25) "Noncommercial motor vehicle", a motor vehicle or combination of  
136 motor vehicles not defined by the term "commercial motor vehicle" in this section;

137 (26) "Out of service", a temporary prohibition against the operation of a  
138 commercial motor vehicle by a particular driver, or the operation of a particular  
139 commercial motor vehicle, or the operation of a particular motor carrier;

140 (27) "Out-of-service order", a declaration by the Federal Highway  
141 Administration, or any authorized enforcement officer of a federal, state,  
142 Commonwealth of Puerto Rico, Canadian, Mexican or any local jurisdiction, that

143 a driver, or a commercial motor vehicle, or a motor carrier operation, is out of  
144 service;

145 (28) "School bus", a commercial motor vehicle used to transport  
146 preprimary, primary, or secondary school students from home to school, from  
147 school to home, or to and from school-sponsored events. School bus does not  
148 include a bus used as a common carrier as defined by the Secretary;

149 (29) "Secretary", the Secretary of Transportation of the United States;

150 (30) "Serious traffic violation", driving a commercial motor vehicle in such  
151 a manner that the driver receives a conviction for the following offenses or driving  
152 a noncommercial motor vehicle when the driver receives a conviction for the  
153 following offenses and the conviction results in the suspension or revocation of  
154 the driver's license or noncommercial motor vehicle driving privilege:

155 (a) Excessive speeding, as defined by the Secretary by regulation;

156 (b) Careless, reckless or imprudent driving which includes, but shall not  
157 be limited to, any violation of section 304.016, RSMo, any violation of section  
158 304.010, RSMo, or any other violation of federal or state law, or any county or  
159 municipal ordinance while driving a commercial motor vehicle in a willful or  
160 wanton disregard for the safety of persons or property, or improper or erratic  
161 traffic lane changes, or following the vehicle ahead too closely, but shall not  
162 include careless and imprudent driving by excessive speed;

163 (c) A violation of any federal or state law or county or municipal ordinance  
164 regulating the operation of motor vehicles arising out of an accident or collision  
165 which resulted in death to any person, other than a parking violation;

166 (d) Driving a commercial motor vehicle without obtaining a commercial  
167 driver's license in violation of any federal or state or county or municipal  
168 ordinance;

169 (e) Driving a commercial motor vehicle without a commercial driver's  
170 license in the driver's possession in violation of any federal or state or county or  
171 municipal ordinance. Any individual who provides proof to the court which has  
172 jurisdiction over the issued citation that the individual held a valid commercial  
173 driver's license on the date that the citation was issued shall not be guilty of this  
174 offense;

175 (f) Driving a commercial motor vehicle without the proper commercial  
176 driver's license class or endorsement for the specific vehicle group being operated  
177 or for the passengers or type of cargo being transported in violation of any federal  
178 or state law or county or municipal ordinance; or

179 (g) Any other violation of a federal or state law or county or municipal  
180 ordinance regulating the operation of motor vehicles, other than a parking  
181 violation, as prescribed by the secretary by regulation;

182 (31) "State", a state, territory or possession of the United States, the  
183 District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province  
184 of Canada;

185 (32) "United States", the fifty states and the District of Columbia.

302.755. 1. A person is disqualified from driving a commercial motor  
2 vehicle for a period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled  
4 substance;

5 (2) Driving a commercial motor vehicle which causes a fatality through  
6 the negligent operation of the commercial motor vehicle, including but not limited  
7 to the crimes of vehicular manslaughter, homicide by motor vehicle, and negligent  
8 homicide;

9 (3) Driving a commercial motor vehicle while revoked pursuant to section  
10 302.727;

11 (4) Leaving the scene of an accident involving a commercial or  
12 noncommercial motor vehicle operated by the person;

13 (5) Using a commercial or noncommercial motor vehicle in the commission  
14 of any felony, as defined in section 302.700, except a felony as provided in  
15 subsection 4 of this section.

16 2. If any of the violations described in subsection 1 of this section occur  
17 while transporting a hazardous material the person is disqualified for a period  
18 of not less than three years.

19 3. Any person is disqualified from operating a commercial motor vehicle  
20 for life if convicted of two or more violations of any of the offenses specified in  
21 subsection 1 of this section, or any combination of those offenses, arising from two  
22 or more separate incidents. The director may issue rules and regulations, in  
23 accordance with guidelines established by the secretary, under which a  
24 disqualification for life under this section may be reduced to a period of not less  
25 than ten years.

26 4. Any person is disqualified from driving a commercial motor vehicle for  
27 life who uses a commercial or noncommercial motor vehicle in the commission of  
28 any felony involving the manufacture, distribution, or dispensing of a controlled  
29 substance, or possession with intent to manufacture, distribute, or dispense a

30 controlled substance.

31           5. Any person is disqualified from operating a commercial motor vehicle  
32 for a period of not less than sixty days if convicted of two serious traffic violations  
33 or one hundred twenty days if convicted of three serious traffic violations, arising  
34 from separate incidents occurring within a three-year period.

35           6. Any person found to be operating a commercial motor vehicle while  
36 having any measurable alcohol concentration shall immediately be issued a  
37 continuous twenty-four-hour out-of-service order by a law enforcement officer in  
38 this state.

39           7. Any person who is convicted of operating a commercial motor vehicle  
40 beginning at the time of issuance of the out-of-service order until its expiration  
41 is guilty of a class A misdemeanor.

42           8. Any person convicted for the first time of driving while out of service  
43 shall be disqualified from driving a commercial motor vehicle [for a period of  
44 ninety days] **in the manner prescribed in 49 CFR Part 383, or as amended**  
45 **by the Secretary of Transportation.**

46           9. Any person convicted of driving while out of service on a second  
47 occasion during any ten-year period, involving separate incidents, shall be  
48 disqualified [for a period of one year] **in the manner prescribed in 49 CFR**  
49 **Part 383, or as amended by the Secretary of Transportation.**

50           10. Any person convicted of driving while out of service on a third or  
51 subsequent occasion during any ten-year period, involving separate incidents,  
52 shall be disqualified for a period of three years.

53           11. Any person convicted of a first violation of an out-of-service order  
54 while transporting hazardous materials or while operating a motor vehicle  
55 designed to transport sixteen or more passengers, including the driver, is  
56 disqualified for a period of one hundred eighty days.

57           12. Any person convicted of any subsequent violation of an out-of-service  
58 order in a separate incident within ten years after a previous violation, while  
59 transporting hazardous materials or while operating a motor vehicle designed to  
60 transport fifteen passengers, including the driver, is disqualified for a period of  
61 three years.

62           13. Any person convicted of any other offense as specified by regulations  
63 promulgated by the Secretary of Transportation shall be disqualified in  
64 accordance with such regulations.

65           14. After suspending, revoking, canceling or disqualifying a driver, the

66 director shall update records to reflect such action and notify a nonresident's  
67 licensing authority and the commercial driver's license information system within  
68 ten days in the manner prescribed in 49 CFR Part 384, or as amended by the  
69 Secretary.

70 15. Any person disqualified from operating a commercial motor vehicle  
71 pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial  
72 driver's license canceled, and upon conclusion of the period of disqualification  
73 shall take the written and driving tests and meet all other requirements of  
74 sections 302.700 to 302.780. Such disqualification and cancellation shall not be  
75 withdrawn by the director until such person reapplies for a commercial driver's  
76 license in this or any other state after meeting all requirements of sections  
77 302.700 to 302.780.

78 16. The director shall disqualify a driver upon receipt of notification that  
79 the Secretary has determined a driver to be an imminent hazard pursuant to 49  
80 CFR, Part 383.52. Due process of a disqualification determined by the Secretary  
81 pursuant to this section shall be held in accordance with regulations promulgated  
82 by the Secretary. The period of disqualification determined by the Secretary  
83 pursuant to this section shall be served concurrently to any other period of  
84 disqualification which may be imposed by the director pursuant to this  
85 section. Both disqualifications shall appear on the driving record of the driver.

86 **17. The director shall disqualify a commercial license holder or**  
87 **operator of a commercial vehicle from operation of any commercial**  
88 **motor vehicle upon receipt of a conviction for an offense of failure to**  
89 **appear or pay, and such disqualification shall remain in effect until the**  
90 **director receives notice that the person has complied with the**  
91 **requirement to appear or pay.**

302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

- 2 (1) Any person driving a farm vehicle as defined in section 302.700;
- 3 (2) Any active duty military personnel, members of the reserves and  
4 national guard on active duty, including personnel on full-time national guard  
5 duty, personnel on part-time training and national guard military technicians,  
6 while driving [military] vehicles for military purposes;
- 7 (3) Any person who drives emergency or fire equipment necessary to the  
8 preservation of life or property or the execution of emergency governmental  
9 functions under emergency conditions;
- 10 (4) Any person qualified to operate the equipment under subdivision (3)

11 of this section when operating such equipment in other functions such as parades,  
12 special events, repair, service or other authorized movements;

13 (5) Any person driving or pulling a recreational vehicle, as defined in  
14 sections 301.010 and 700.010, RSMo, for personal use; and

15 (6) Any other class of persons exempted by rule or regulation of the  
16 director, which rule or regulation is in compliance with the Commercial Motor  
17 Vehicle Safety Act of 1986 and any amendments or regulations drafted to that  
18 act.

304.070. 1. Any person who violates any of the provisions of subsections  
2 1, 3, and 6 of section 304.050 is guilty of a class A misdemeanor. In addition,  
3 beginning July 1, 2005, the court may suspend the driver's license of any person  
4 who violates the provision of subsection 1 of section 304.050. If ordered by the  
5 court, the director shall suspend the driver's license for **[ninety] one hundred**  
6 **twenty** days for a first offense of subsection 1 of section 304.050, and one  
7 hundred **[twenty] eighty** days for a second or subsequent offense of subsection  
8 1 of section 304.050. Any person who violates subsection 1 of section 304.050  
9 where such violation results in the injury of any child shall be guilty of a class  
10 D felony. Any person who violates subsection 1 of section 304.050 where such  
11 violation causes the death of any child shall be guilty of a class C felony.

12 2. Any appeal of a suspension imposed under subsection 1 of this section  
13 shall be a direct appeal of the court order and subject to review by the presiding  
14 judge of the circuit court or another judge within the circuit other than the judge  
15 who issued the original order to suspend the driver's license. The director of  
16 revenue's entry of the court-ordered suspension on the driving record is not a  
17 decision subject to review pursuant to section 302.311, RSMo. Any suspension  
18 of the driver's license ordered by the court under this section shall be in addition  
19 to any other suspension that may occur as a result of the conviction pursuant to  
20 other provisions of law.

304.170. 1. No vehicle operated upon the highways of this state shall  
2 have a width, including load, in excess of ninety-six inches, except clearance  
3 lights, rearview mirrors or other accessories required by federal, state or city law  
4 or regulation; except that, vehicles having a width, including load, not in excess  
5 of one hundred two inches, exclusive of clearance lights, rearview mirrors or other  
6 accessories required by law or regulations, may be operated on the interstate  
7 highways and such other highways as may be designated by the highways and  
8 transportation commission for the operation of such vehicles plus a distance not

9 to exceed ten miles from such interstate or designated highway. Provided  
10 however, a recreational vehicle as defined in section 700.010, RSMo, may exceed  
11 the foregoing width limits if the appurtenances on such recreational vehicle  
12 extend no further than the rearview mirrors. Such mirrors may only extend the  
13 distance necessary to provide the required field of view before the appurtenances  
14 were attached.

15 2. No vehicle operated upon the interstate highway system or upon any  
16 route designated by the chief engineer of the state transportation department  
17 shall have a height, including load, in excess of fourteen feet. On all other  
18 highways, no vehicle shall have a height, including load, in excess of thirteen and  
19 one-half feet, except that any vehicle or combination of vehicles transporting  
20 automobiles or other motor vehicles may have a height, including load, of not  
21 more than fourteen feet.

22 3. No single motor vehicle operated upon the highways of this state shall  
23 have a length, including load, in excess of forty-five feet, except as otherwise  
24 provided in this section.

25 4. No bus, recreational motor vehicle or trackless trolley coach operated  
26 upon the highways of this state shall have a length in excess of forty-five feet,  
27 except that such vehicles may exceed the forty-five feet length when such excess  
28 length is caused by the projection of a front safety bumper or a rear safety  
29 bumper or both. Such safety bumper shall not cause the length of the bus or  
30 recreational motor vehicle to exceed the forty-five feet length limit by more than  
31 one foot in the front and one foot in the rear. The term "safety bumper" means  
32 any device which may be fitted on an existing bumper or which replaces the  
33 bumper and is so constructed, treated, or manufactured that it absorbs energy  
34 upon impact.

35 5. No combination of truck-tractor and semitrailer or truck-tractor  
36 equipped with dromedary and semitrailer operated upon the highways of this  
37 state shall have a length, including load, in excess of sixty feet; except that in  
38 order to comply with the provisions of Title 23 of the United States Code (Public  
39 Law 97-424), no combination of truck-tractor and semitrailer or truck-tractor  
40 equipped with dromedary and semitrailer operated upon the interstate highway  
41 system of this state shall have an overall length, including load, in excess of the  
42 length of the truck-tractor plus the semitrailer or truck-tractor equipped with  
43 dromedary and semitrailer. The length of such semitrailer shall not exceed  
44 fifty-three feet.

45           6. In order to comply with the provisions of Title 23 of the United States  
46 Code (Public Law 97-424), no combination of truck-tractor, semitrailer and trailer  
47 operated upon the interstate highway system of this state shall have an overall  
48 length, including load, in excess of the length of the truck-tractor plus the  
49 semitrailer and trailer, neither of which semitrailer or trailer shall exceed  
50 twenty-eight feet in length, except that any existing semitrailer or trailer up to  
51 twenty-eight and one-half feet in length actually and lawfully operated on  
52 December 1, 1982, within a sixty-five foot overall length limit in any state, may  
53 continue to be operated upon the interstate highways of this state. On those  
54 primary highways not designated by the state highways and transportation  
55 commission as provided in subsection 10 of this section, no combination of  
56 truck-tractor, semitrailer and trailer shall have an overall length, including load,  
57 in excess of sixty-five feet; provided, however, the state highways and  
58 transportation commission may designate additional routes for such sixty-five foot  
59 combinations.

60           7. Automobile transporters, boat transporters, truck-trailer boat  
61 transporter combinations, stinger-steered combination automobile transporters  
62 and stinger-steered combination boat transporters having a length not in excess  
63 of seventy-five feet may be operated on the interstate highways of this state and  
64 such other highways as may be designated by the highways and transportation  
65 commission for the operation of such vehicles plus a distance not to exceed ten  
66 miles from such interstate or designated highway. All length provisions  
67 regarding automobile or boat transporters, truck-trailer boat transporter  
68 combinations and stinger-steered combinations shall include a semitrailer length  
69 not to exceed fifty-three feet and are exclusive of front and rear overhang, which  
70 shall be no greater than a three-foot front overhang and no greater than a  
71 four-foot rear overhang.

72           8. Driveaway saddlemount combinations having a length not in excess of  
73 ~~[seventy-five]~~ **ninety-seven** feet may be operated on the interstate highways of  
74 this state and such other highways as may be designated by the highways and  
75 transportation commission for the operation of such vehicles plus a distance not  
76 to exceed ten miles from such interstate or designated highway. Saddlemount  
77 combinations must comply with the safety requirements of Section 393.71 of Title  
78 49 of the Code of Federal Regulations and may contain no more than three  
79 saddlemounted vehicles and one fullmount.

80           9. No truck-tractor semitrailer-semitrailer combination vehicles operated

81 upon the interstate and designated primary highway system of this state shall  
82 have a semitrailer length in excess of twenty-eight feet or twenty-eight and  
83 one-half feet if the semitrailer was in actual and lawful operation in any state on  
84 December 1, 1982, operating in a truck-tractor semitrailer-semi-trailer  
85 combination. The B-train assembly is excluded from the measurement of  
86 semitrailer length when used between the first and second semitrailer of a  
87 truck-tractor semitrailer-semi-trailer combination, except that when there is no  
88 semitrailer mounted to the B-train assembly, it shall be included in the length  
89 measurement of the semitrailer.

90         10. The highways and transportation commission is authorized to  
91 designate routes on the state highway system other than the interstate system  
92 over which those combinations of vehicles of the lengths specified in subsections  
93 5, 6, 7, 8 and 9 of this section may be operated. Combinations of vehicles  
94 operated under the provisions of subsections 5, 6, 7, 8 and 9 of this section may  
95 be operated at a distance not to exceed ten miles from the interstate system and  
96 such routes as designated under the provisions of this subsection.

97         11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section,  
98 no other combination of vehicles operated upon the primary or interstate  
99 highways of this state plus a distance of ten miles from a primary or interstate  
100 highway shall have an overall length, unladen or with load, in excess of sixty-five  
101 feet or in excess of fifty-five feet on any other highway, except the state highways  
102 and transportation commission may designate additional routes for use by  
103 sixty-five foot combinations, seventy-five foot stinger-steered combinations or  
104 seventy-five foot saddlemount combinations. Any vehicle or combination of  
105 vehicles transporting automobiles, boats or other motor vehicles may carry a load  
106 which extends no more than three feet beyond the front and four feet beyond the  
107 rear of the transporting vehicle or combination of vehicles.

108         12. (1) Except as hereinafter provided, these restrictions shall not apply  
109 to agricultural implements operating occasionally on the highways for short  
110 distances, or to self-propelled hay-hauling equipment or to implements of  
111 husbandry, or to the movement of farm products as defined in section 400.9-109,  
112 RSMo, or to vehicles temporarily transporting agricultural implements or  
113 implements of husbandry or roadmaking machinery, or road materials or towing  
114 for repair purposes vehicles that have become disabled upon the highways; or to  
115 implement dealers delivering or moving farm machinery for repairs on any state  
116 highway other than the interstate system.

117 (2) Implements of husbandry and vehicles transporting such machinery  
118 or equipment and the movement of farm products as defined in section 400.9.109,  
119 RSMo, may be operated occasionally for short distances on state highways when  
120 operated between the hours of sunrise and sunset by a driver licensed as an  
121 operator or chauffeur.

122 13. As used in this chapter the term "implements of husbandry" means  
123 all self-propelled machinery operated at speeds of less than thirty miles per hour,  
124 specifically designed for, or especially adapted to be capable of, incidental  
125 over-the-road and primary offroad usage and used exclusively for the application  
126 of commercial plant food materials or agricultural chemicals, and not specifically  
127 designed or intended for transportation of such chemicals and materials.

128 14. The purpose of this section is to permit a single trip per day by the  
129 implement of husbandry from the source of supply to a given farm.

130 15. Sludge disposal units may be operated on all state highways other  
131 than the interstate system. Such units shall not exceed one hundred thirty-eight  
132 inches in width and may be equipped with over-width tires. Such units shall  
133 observe all axle weight limits. The chief engineer of the state transportation  
134 department shall issue special permits for the movement of such disposal units  
135 and may by such permits restrict the movements to specified routes, days and  
136 hours.

306.015. 1. The owner of a vessel kept within this state shall cause it to  
2 be registered in the office of the director of revenue who shall issue a certificate  
3 of title for the same.

4 2. The owner of any vessel acquired or brought into the state shall file his  
5 application for title within sixty days after it is acquired or brought into this  
6 state. The director of revenue may grant extensions of time for titling to any  
7 person in deserving cases.

8 3. The fee for the certificate of title shall be seven dollars fifty cents and  
9 shall be paid to the director of revenue at the time of making application. If  
10 application for certificate of title is not made within sixty days after the vessel  
11 is acquired or brought into the state, a delinquency penalty fee of **[ten] twenty-**  
12 **five** dollars for each thirty days of delinquency, not to exceed a total of **[thirty]**  
13 **two hundred** dollars, shall be imposed. If the director of revenue learns that  
14 any person has failed to make application for certificate of title within sixty days  
15 after acquiring or bringing into the state a vessel or has sold a vessel without  
16 obtaining a certificate of title, he shall cancel the registration of all motorboats,

17 vessels, and watercraft registered in the name of the person, either as sole owner  
18 or as co-owner, and shall notify the person that the cancellation will remain in  
19 force until the person pays the delinquency penalty fee provided in this section  
20 together with all fees, charges, and payments which he should have paid in  
21 connection with the certificate of title of the vessel.

306.016. 1. By January 1, 1995, the owner of any vessel documented by  
2 the United States Coast Guard on August 28, 1994, and the new owner of any  
3 vessel purchased after August 28, 1994, who upon the sale or transfer of the  
4 vessel desires to document the vessel with the United States Coast Guard, shall  
5 apply for a vessel certificate of registration and pay a certification fee of seven  
6 dollars and fifty cents, an initial registration fee in an amount equal to the  
7 amount required for a certificate of number under section 306.030 and all  
8 applicable state and local or in lieu watercraft taxes as provided by law in effect  
9 on the date the vessel was documented or submit proof that all applicable  
10 registration fees have been paid to the department of revenue and all applicable  
11 taxes or in lieu watercraft taxes have been paid in this or another state. Such  
12 application shall include the county in which such vessel will be normally  
13 maintained by the new owner. A certificate of registration and a set of  
14 registration decals in a form the director shall prescribe shall be issued for a  
15 documented vessel. A Missouri resident shall make application for a vessel  
16 certificate of registration within thirty days of acquiring or bringing the vessel  
17 into this state. A nonresident shall make application for a vessel certificate of  
18 registration within sixty days after acquiring a vessel in this state or bringing a  
19 vessel into this state if the vessel will be kept in this state for a period in excess  
20 of sixty consecutive days. A delinquency penalty fee of ~~ten~~ **twenty-five** dollars  
21 shall be imposed for each thirty days of delinquency, not to exceed a total of  
22 ~~thirty~~ **two hundred** dollars. If the director of revenue learns that any person  
23 has failed to make application for a vessel certificate of registration in accordance  
24 with this section or has sold a vessel documented by the United States Coast  
25 Guard without obtaining a certificate of registration as provided in this section,  
26 the director shall cancel the registration of all vessels and outboard motors  
27 registered in the name of the person, either as sole owner or a co-owner, and shall  
28 notify the person that the cancellation will remain in force until the person pays  
29 the delinquency penalty fee together with all fees, charges, and payments which  
30 the person should have paid in connection with the vessel certificate of  
31 registration.

32           2. A boat or vessel documented by the United States Coast Guard or other  
 33 agency of the federal government and operated on the waters of this state shall  
 34 not be liable for the payment of any state or local sales or use tax on the  
 35 purchase, but shall be liable for the payment of an in-lieu watercraft tax, which  
 36 is hereby imposed. The fee in lieu of tax imposed pursuant to this section shall  
 37 not apply to United States Coast Guard registered vessels purchased for purposes  
 38 of marine construction including, but not limited to, barges, dredges, marine  
 39 cranes, and other marine equipment utilized for construction or dredging of  
 40 waterways. The in-lieu watercraft tax shall be collected by the director of  
 41 revenue and deposited in the state treasury to the credit of general revenue and  
 42 shall be appropriated for use by the Missouri state water patrol. Watercraft  
 43 dealers in this state shall report to the director of revenue on forms furnished by  
 44 the director the sale of each watercraft sold to a resident of this state. If the  
 45 watercraft is registered and licensed pursuant to the provisions of this chapter  
 46 and all applicable sales taxes have been paid, the director shall not collect the  
 47 in-lieu tax imposed by this subsection. If the watercraft is registered with the  
 48 United States Coast Guard or other agency of the federal government and not  
 49 under the provisions of this chapter the director shall bill the purchaser of the  
 50 watercraft for the in-lieu tax imposed by this subsection. Any person who fails  
 51 to pay the in-lieu tax due under this section, within thirty days after receipt of  
 52 the bill from the director of revenue, shall be liable to the same penalties imposed  
 53 by law for failure to pay sales and use taxes due the state. The in-lieu tax shall  
 54 be determined as follows:

55 PURCHASE PRICE OF WATERCRAFT	TAX DUE
56    Less than \$15,000	\$ 500.00
57    \$15,001 to \$30,000	650.00
58    \$30,001 to \$50,000	1,000.00
59    \$50,001 to \$100,000	1,400.00
60    \$100,001 to \$150,000	2,000.00
61    \$150,001 to \$200,000	3,000.00
62    \$200,001 to \$250,000	4,000.00
63    \$250,001 to \$300,000	5,000.00
64    \$300,001 to \$350,000	5,500.00
65    \$350,001 to \$400,000	6,000.00
66    \$400,001 to \$450,000	6,500.00
67    \$450,001 to \$500,000	7,500.00

68	\$500,001 to \$550,000	8,500.00
69	\$550,001 to \$650,000	9,500.00
70	\$650,001 to \$750,000	10,500.00
71	\$750,001 and above	add an additional 1,500.00
72		for each \$100,000 increment

73           3. The registration decals for any vessel documented by the United States  
74 Coast Guard shall be in force and effect for a period of three years so long as the  
75 vessel is owned or held by the original holder of the certificate of registration and  
76 shall be renewed upon application and payment of a registration renewal fee  
77 equal to the amount required for a certificate of number under section  
78 306.030. The owner shall attach the registration decals to both sides of the  
79 forward half of the bow of the documented vessel in a place that is fully visible.

80           4. The department of revenue may issue a temporary vessel certificate of  
81 registration authorizing the operation of a vessel to be documented by the United  
82 States Coast Guard for not more than sixty days. The temporary registration  
83 shall be made available by the department of revenue and may be purchased from  
84 the department of revenue or from a dealer upon proof of purchase of a  
85 vessel. The department shall make temporary certificates of registration  
86 available to registered dealers in this state in sets of ten. The fee for the  
87 temporary certificates of registration shall be five dollars each. No dealer shall  
88 charge more than five dollars for each temporary certificate of registration  
89 issued. The temporary registration shall be valid for a period of sixty days from  
90 the date of issuance by the department of revenue to the purchaser of the vessel  
91 or from the date of sale of the vessel by a dealer from which the purchaser  
92 obtains a certificate of registration. The temporary certificate of registration  
93 shall be issued on a form prescribed by the department of revenue and issued  
94 only for the purchaser's use in the operation of the vessel purchased to enable the  
95 purchaser to legally operate the vessel while a certificate of registration is being  
96 obtained, and shall be displayed on no other vessel. Temporary certificates of  
97 registration issued under this section shall not be transferable or renewable and  
98 shall not be valid upon issuance of a proper certificate of registration. The dealer  
99 or authorized agent shall insert the date of issuance and expiration date, year,  
100 make and the manufacturer's identification number of the vessel on the  
101 temporary registration when issued to the purchaser. The dealer shall complete  
102 the information on the temporary registration in full. Every dealer that issues  
103 a temporary certificate of registration shall keep, for inspection by authorized

104 officers, a correct record of each temporary certificate of registration issued by the  
105 dealer by recording the registration number, purchaser's name and address, year,  
106 make and manufacturer's identification number of the vessel on which the  
107 temporary certificate of registration is to be used and the date of issuance.

108         5. Upon the sale or transfer of any vessel documented by the United  
109 States Coast Guard for which a certificate of registration has been issued, the  
110 registration shall be terminated. If the new owner elects to have the vessel  
111 documented by the United States Coast Guard, the new owner shall submit, in  
112 addition to the properly assigned certificate of registration, proof of release from  
113 the documentation provided by the United States Coast Guard and shall comply  
114 with the provisions of this section. If the new owner elects not to document the  
115 vessel with the United States Coast Guard, the owner shall comply with the  
116 applicable provisions of this chapter.

117         6. The certificate of registration shall be available at all times for  
118 inspection on the vessel for which it is issued, whenever the vessel is in  
119 operation.

306.535. 1. Applications shall be made on forms prescribed and furnished  
2 to the applicant, upon demand, by the director of revenue.

3         2. The application shall contain a brief description of the outboard motor  
4 to be registered, the name of manufacturer, the factory number or serial number,  
5 the type and color of the outboard motor, the amount of motive power stated in  
6 figures of horsepower, and the name and address, including county, of the owner;  
7 and a declaration and affidavit of ownership, showing the date and from whom  
8 purchased.

9         3. The fee for registering and issuing a license shall be two dollars, and  
10 the fee for a certificate of title shall be five dollars, both of which fees shall be  
11 paid to the director of revenue at the time of making the application.

12         4. If application for the certificate of title is not made within sixty days  
13 after the outboard motor is acquired or brought into the state by the applicant,  
14 a delinquency penalty fee of [ten] **twenty-five** dollars for each thirty days of  
15 delinquency, not to exceed a total of [thirty] **two hundred** dollars, shall be  
16 imposed. If the director of revenue learns that any person has failed to make  
17 application for a certificate of title within sixty days after acquiring or bringing  
18 into the state an outboard motor or has sold an outboard motor without obtaining  
19 a certificate of title, he shall cancel the registration of all outboard motors  
20 registered in the name of the person, either as sole owner or as a co-owner, and

21 shall notify the person that the cancellation shall remain in force until the person  
22 pays the delinquency penalty fee provided in this subsection together with all  
23 fees, charges and payments which he should have paid in connection with the  
24 certificate of title and registration of the outboard motor.

307.179. 1. As used in this section, the following terms shall mean:

2 (1) "Child booster seat", a seating system which meets the Federal Motor  
3 Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is  
4 designed to elevate a child to properly sit in a federally approved safety belt  
5 system;

6 (2) "Child passenger restraint system", a seating system which meets the  
7 Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as  
8 amended, and which is either permanently affixed to a motor vehicle or is affixed  
9 to such vehicle by a safety belt or a universal attachment system;

10 (3) "Driver", a person who is in actual physical control of a motor vehicle.

11 2. Every driver transporting a child under the age of sixteen years shall  
12 be responsible, when transporting such child in a motor vehicle operated by that  
13 driver on the streets or highways of this state, for providing for the protection of  
14 such child as follows:

15 (1) Children less than four years of age, regardless of weight, shall be  
16 secured in a child passenger restraint system appropriate for that child;

17 (2) Children weighing less than forty pounds, regardless of age, shall be  
18 secured in a child passenger restraint system appropriate for that child;

19 (3) Children at least four years of age but less than eight years of age,  
20 who also weigh at least forty pounds but less than eighty pounds, and who are  
21 also less than four feet, nine inches tall, shall be secured in a child passenger  
22 restraint system or booster seat appropriate for that child;

23 (4) Children at least eighty pounds or children more than four feet, nine  
24 inches in height shall be secured by a vehicle safety belt or booster seat  
25 appropriate for that child;

26 (5) A child who otherwise would be required to be secured in a booster  
27 seat may be transported in the back seat of a motor vehicle while wearing only  
28 a lap belt if the back seat of the motor vehicle is not equipped with a combination  
29 lap and shoulder belt for booster seat installation;

30 (6) When transporting children in the immediate family when there are  
31 more children than there are seating positions in the enclosed area of a motor  
32 vehicle, the children who are not able to be restrained by a child safety restraint

33 device appropriate for the child shall sit in the area behind the front seat of the  
34 motor vehicle unless the motor vehicle is designed only for a front seat area. The  
35 driver transporting children referred to in this subsection is not in violation of  
36 this section.

37 This subsection shall only apply to the use of a child passenger restraint system  
38 or vehicle safety belt for children less than sixteen years of age being transported  
39 in a motor vehicle.

40 3. Any driver who violates subdivision (1), (2), or (3) of subsection 2 of this  
41 section is guilty of an infraction and, upon conviction, may be punished by a fine  
42 of not more than fifty dollars and court costs. Any driver who violates  
43 subdivision (4) of subsection 2 of this section shall be subject to the penalty in  
44 subsection 5 of section 307.178. If a driver receives a citation for violating  
45 subdivision (1), (2), or (3) of subsection 2 of this section, the charges shall be  
46 dismissed or withdrawn if the driver prior to or at his or her hearing provides  
47 evidence of acquisition of a child passenger restraint system or child booster seat  
48 which is satisfactory to the court or the party responsible for prosecuting the  
49 driver's citation.

50 4. The provisions of this section shall not apply to any public carrier for  
51 hire.

52 5. The provisions of this section shall not apply to ~~[students]~~ **children**  
53 four years of age or older who are passengers on a school bus designed for  
54 carrying eleven passengers or more and which is manufactured or equipped  
55 pursuant to Missouri Minimum Standards for School Buses as [school buses are  
56 defined in section 301.010, RSMo] **required under section 304.060,**  
57 **RSMo. The exemption set forth in this subsection shall apply whether**  
58 **or not such bus is being operated by a school district or other entity**  
59 **and regardless whether such bus is being used for educational,**  
60 **religious, or other purposes.**

61 [5.] 6. The highways and transportation commission shall initiate and  
62 develop a program of public information to develop understanding of, and ensure  
63 compliance with, the provisions of this section.

311.326. After a period of not less than one year, or upon reaching the age  
2 of twenty-one, whichever occurs first, a person who has pleaded guilty to or has  
3 been found guilty of violating section 311.325 for the first time, and who since  
4 such conviction has not been convicted of any other alcohol-related offense, may  
5 apply to the court in which he or she was sentenced for an order to expunge all

6 official records of his or her arrest, plea, trial and conviction. **No records shall**  
7 **be expunged if the person who has plead guilty to or has been found**  
8 **guilty of violating section 311.325 is licensed as a commercial motor**  
9 **vehicle driver or was operating a commercial motor vehicle as defined**  
10 **in section 302.700, RSMo, at the time of the violation.** If the court  
11 determines, upon review, that such person has not been convicted of any other  
12 alcohol-related offense at the time of the application for expungement, and the  
13 person has had no other alcohol-related enforcement contacts, as defined in  
14 section 302.525, RSMo, the court shall enter an order of expungement. The effect  
15 of such an order shall be to restore such person to the status he or she occupied  
16 prior to such arrest, plea or conviction, as if such event had never happened. No  
17 person as to whom such order has been entered shall be held thereafter under  
18 any provision of any law to be guilty of perjury or otherwise giving a false  
19 statement by reason of his or her failure to recite or acknowledge such arrest,  
20 plea, trial, conviction or expungement in response to any inquiry made of him or  
21 her for any purpose whatsoever. A person shall be entitled to only one  
22 expungement pursuant to this section. Nothing contained in this section shall  
23 prevent courts or other state officials from maintaining such records as are  
24 necessary to ensure that an individual receives only one expungement pursuant  
25 to this section.

Section B. The repeal and reenactment of sections 302.272, 302.275, and  
2 302.321 of this act shall become effective January 1, 2008.

Section C. Because of the need to ensure that private organizations are  
2 not financially restrained from providing transportation services to children in  
3 buses that otherwise address the safety concerns of the child passenger restraint  
4 law, the repeal and reenactment of section 307.179 of section A of this act is  
5 deemed necessary for the immediate preservation of the public health, welfare,  
6 peace, and safety, and is hereby declared to be an emergency within the meaning  
7 of the constitution, and the repeal and reenactment of section 307.179 of section  
8 A of this act shall be in full force and effect upon its passage and approval.

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